San Gabriel Valley Council of Governments

AGENDA AND NOTICE OF THE JOINT MEETING OF THE WATER POLICY COMMITTEE & WATER TECHNICAL ADVISORY COMMITTEE (TAC)

Tuesday, May 11, 2021, 10:00 AM

Zoom Link: https://zoom.us/j/91013603758

Livestream Link: https://youtu.be/YXorWmpcSuk

Water Policy
Chair
Gloria Crudgington
City of Monrovia

Vice-Chair
Diana Mahmud
City of South Pasadena

MEMBERS
Claremont
Glendora
Monrovia
Rosemead
Sierra Madre
South Pasadena

Water TAC
Chair
Alex Tachiki
City of Monrovia

Vice Chair
Tom Love
Upper San Gabriel Valley Municipal Water District

MEMBERS
Alhambra
Bradbury
Covina
Duarte
Glendora
Monrovia
Pomona
Sierra Madre
LA County DPW
Upper San Gabriel Valley MWD

EX-OFFICIO
LA County Sanitation Districts
SG Basin Watermaster

Thank you for participating in today's meeting. The Water Committee encourages public participation and invites you to share your views on agenda items.

MEETINGS: ***Regular Meetings of the Water Committee are held on the second Tuesday of each month at 10:00 AM at the Upper San Gabriel Valley Municipal Water District Offices (602 E. Huntington Drive, Suite B Monrovia, CA 91016).*** The agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvcog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

PUBLIC PARTICIPATION: Your participation is welcomed and invited at all Water Committee and Water TAC meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Water Committee and Water TAC may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Water Committee and the Water TAC. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Committee/TAC can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.

MEETING MODIFICATIONS DUE TO THE STATE AND LOCAL STATE OF EMERGENCY RESULTING FROM THE THREAT OF COVID-19:
On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and allows for members of the public to observe and address the meeting telephonically or electronically to promote social distancing due to the state and local State of Emergency resulting from the threat of the Novel Coronavirus (COVID-19).

To follow the new Order issued by the Governor and ensure the safety of Committee Members and staff for the purpose of limiting the risk of COVID-19, in-person public participation at the Water Policy Committee and Technical Advisory Committee (TAC) meeting scheduled for May 11, 2021 at 10:00 a.m. will not be allowed. To allow for public participation, the Water Police Committee and TAC will conduct its meeting through Zoom Video Communications. To participate in the meeting, download Zoom on any phone or computer device and copy and paste the following link into your browser to access the live meeting: https://zoom.us/j/91013603758. You may also access the meeting via the livestream link on the front of the agenda page.

Submission of Public Comments: For those wishing to make public comments on agenda and non-agenda items you may submit comments via email or by phone.

- Email: Please submit via email your public comment to Samantha Matthews at smatthews@sgvcog.org at least 1 hour prior to the scheduled meeting time. Please indicate in the Subject Line of the email "FOR PUBLIC COMMENT." Emailed public comments will be part of the recorded meeting minutes. Public comment may be summarized in the interest of time, however the full text will be provided to all members of the Committee prior to the meeting.
- Zoom: Through Zoom, you may speak by using the web interface "Raise Hand" feature. Wait to be called upon by staff, and then you may provide verbal comments for up to 3 minutes. Public comment is taken at the beginning of the meeting for items not on the agenda. Public comment is also accepted at the beginning of each agenda item.

Any member of the public requiring a reasonable accommodation to participate in this meeting should contact Samantha Matthews at least 48 hours prior to the meeting at (626) 457-1800 or email smatthews@sgvcog.org.

PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment *(If necessary, the Chair may place reasonable time limits on all comments).*
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting.

CONSENT CALENDAR *(It is anticipated that the Water Committee/TAC may act on the following matters)*

5. Water Committee/TAC Meeting Minutes – Page 1
   Recommended Action: Approve April 13, 2021 Water Committee/TAC meeting minutes.
6. Water TAC Meeting Minutes – Page 5
   Recommended Action: Approve April 27, 2021 Water TAC meeting minutes.

PRESENTATION

7. Maximizing Impact of Minimum Controls Scientific Study – Chad Helmle, Brianna Datti, and Brad Wardynski, Craftwater Engineering – Page 7
   Recommended Action: For information only.

UPDATE ITEMS *(It is anticipated that the Water Committee/TAC may act on the following matters)*

8. State Water Resources Control Board Order on Approval of Watershed Management Programs (WMPs) and an Enhanced Watershed Management Program (EWMP)
9. Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit
10. Safe Clean Water Program – Page 9
11. State Budget and Legislative Updates – Page 46
    a. Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance
    b. S. 914 – Safe Drinking Water and Wastewater Infrastructure Act of 2021
12. Litigation Updates
13. E/WMP Updates
14. Water TAC Chair Report
15. Water Supply Update
16. Water Boards Update

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN

SGVCOG Joint Water Policy Committee/TAC Meeting
Unapproved Minutes

Date: April 13, 2021
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:02 A.M.
2. Roll Call

Water Policy Committee Members Present
J. Stark; Claremont
G. Boyer; Glendora
G. Crudgington; Monrovia
M. Clark; Rosemead
D. Mahmud; South Pasadena

Water Policy Committee Members Absent
Sierra Madre

Water TAC Members Present
D. Dolphin; Alhambra
K. Kearney; Bradbury
S. Costandi; Covina
R. Wang; LA County Public Works
A. Tachiki; Monrovia
J. Carver; Pomona
J. Carlson; Sierra Madre
E. Reyes; SGVMWD
T. Love, J. Santana, P. Cortez; USGVMWD

Water TAC Members Absent
Duarte
Glendora
South Pasadena

Ex Officio Members Present
S. Green, K. Gardner; LA County Sanitation Districts
L. Augino; Watermaster

Ex Officio Members Absent

Guests
A. Schmidt; LA County Sanitation Districts
B. Pence; Napolitano Staff
D. Amaya; Rubio's Staff
V. Murphy; Portantino's Staff

SGVCOG Staff
S. Matthews
C. Sims
P. Hubler
T. Egan
K. Ward

3. Public Comment
There was no public comment.

4. Changes to Agenda Order.
No changes to agenda order.

CONSENT CALENDAR

5. Water Committee/TAC March Meeting Minutes
There was a motion to approve the Water Committee/TAC March meeting minutes. (M/S: D. Mahmud/G. Boyer)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena TAC – Alhambra; Bradbury; Covina; Monrovia; Pomona; Sierra Madre; USGVMWD
NOES:	
ABSTAIN:	TAC – LA County Public Works; SGVMWD
ABSENT:	Committee – Sierra Madre TAC – Duarte; Glendora; South Pasadena

PRESENTATIONS

6. Draft Statewide Sanitary Sewer Systems Order Reissuance
A. Schmidt presented on the recently-released Sanitary Sewer Systems Order, which defines waste discharge requirements for sanitary sewer systems. In February 2021, the State Water Board issued an informal staff draft of the new Order. The recently-released staff draft includes several notable changes from the 2006 Order, including expanding the definition of a sewage "spill", increasing spill reporting requirements, requiring reporting of spills from privately-owned systems or sewer laterals, and dramatically increasing the requirements for agencies' Sewer System Management Plan (SSMP). D. Mahmud asked about where violations are distributed across the state to which A. Schmidt answered that violations are well distributed throughout the state. There were comments on the high costs for smaller cities and the lack of a clearly stipulated timing for the new order.

ACTION ITEMS

7. AB 818 (Bloom)
Staff presented on the bill which would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022 to be labeled clearly and conspicuously with the phrase "Do Not Flush" and would establish enforcement provisions, including authorizing a civil penalty to be imposed on a covered entity who violates those provisions.
There was a motion to recommend the SGVCOG Governing Board support AB 818 (Bloom).
(M/S: D. Mahmud/J. Stark)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena TAC – Alhambra; Bradbury; Covina; Monrovia; Pomona; Sierra Madre; SGVMWD; USGVMWD
NOES:	

ABSTAIN:	TAC – LA County Public Works
ABSENT:	Committee – Sierra Madre TAC – Duarte; Glendora; South Pasadena

8. SB 230 (Portantino)

Staff presented the bill which would require the State Water Board to establish and direct an ongoing, dedicated program called the Constituents of Emerging Concern (CEC) Program to assess information and recommend areas for further study on the occurrence of these CECs in drinking water sources and treated drinking water. The bill would authorize the State Board, upon appropriation by the Legislature, to provide financial assistance to certain public water systems if the system shows that the costs of complying with CEC monitoring requirements would impose a financial hardship. V. Murphy announced that the bill is now a two-year bill.

There was a motion to recommend the SGVCOG Governing Board support SB 230 (Portantino).

(M/S: D. Mahmud/M. Clark)

[MOTION PASSED]

AYES:	Committee – Claremont; Glendora; Monrovia; Rosemead; South Pasadena TAC – Alhambra; Bradbury; Covina; Monrovia; Pomona; Sierra Madre; SGVMWD; USGVMWD
NOES:	
ABSTAIN:	TAC – LA County Public Works
ABSENT:	Committee – Sierra Madre TAC – Duarte; Glendora; South Pasadena

UPDATE ITEMS

9. State Water Resources Control Board Second Proposed Order on Approval of Watershed Management Programs and an Enhanced Watershed Management Program

A. Tachiki announced that the Regional Board is reviewing the State Board final order to incorporate into the MS4 Permit.

10. Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit

A. Tachiki announced that the Regional Board is looking to release draft MS4 Permit by end of April with adoption in the summer.

11. Safe Clean Water Program

A. Tachiki provided an update on the Safe Clean Water program and that WASCs have been reviewing infrastructure project presentations and will start voting and planning stormwater investment plans (SIPs). There is a July 31 deadline for Round 3 application. If you are in the TRP process, contact SCWP staff. The timing of the TRP program may allow for flexibility with application deadline.

12. Legislative Updates

P. Hubler presented on the American Jobs Plan, the $2.25 trillion federal infrastructure proposal. 5% of the bill, or $111 billion, would be invested in water, wastewater, and

stormwater infrastructure projects. The SGVCOG is working with Congresswoman Napolitano's office on the bill and may invite staff back to brief policy committees as bill develops. P. Hubler also provided an update on AB 377 and the SGVCOG's plans to meet with Assemblymember Holden's staff to emphasize our opposition to the bill. AB 377 has not yet been heard by the committee. This bill is contrary to the intent of the financial capability assessment (FCA) legislation that the SGVCOG has sponsored. P. Hubler gave an update on the FCA legislation and that D. Mahmud testified on the bill. The bill passed out of committee with no opposition with next steps needed to be recommended for consent. D. Mahmud requested that next month's meeting include a status update on the Whittier Dam funding.

13. Litigation Update
Cities of Duarte and Gardena have successfully petitioned the Supreme Court in the Duarte/Gardena vs State Water Resources Control Board cases.

14. E/WMP Updates
Permittees are waiting on RAA update guidance from Regional Board. Committees noted that the Upper LA River Group WASC has seen a large number of Los Angeles Unified School District proposal, including a costly North Hollywood project.

15. Water TAC Chair Report
A. Tachiki announced that the TAC will meet on April 27 at 10am and that the MS4 Permit is to be released at the end of April.

16. Water Supply Update
T. Love announced that precipitation along the Colorado River is at 78% of average and there is a possibility that the Colorado River will be in shortage next year and will trigger a drought contingency plan. State precipitation is at 60% of average with the Oroville Dam at record low storage. The State Water Project allocation was reduced from 10 to 5%, but Metropolitan (Met) is doing well with 2.2-million-acre feet in storage. Southern California is doing well due to conservation and diversity of water supply. K. Gardner announced that because of forest fires, LA County was able to work with the state and federal government to do emergency cleanups and moving of sediment and was only able to do so because of the dry year. The key well is at 195.8 feet which is 12 feet lower than last year at this time. D. Mahmud reinforced the importance of the investments that Met has made in Southern California's water resiliency.

17. Water Boards Update
No updates.

CHAIR'S REPORT

ANNOUNCEMENTS

ADJOURN
Meeting adjourned at 11:40 A.M.

SGVCOG Water TAC Meeting Unapproved Minutes
Date: April 27, 2021
Time: 10:00 AM
Location: Zoom/YouTube teleconference meeting

PRELIMINARY BUSINESS

1. Call to Order: The meeting was called to order at 10:03 A.M.

2. Roll Call

Water TAC Members Present	**Water TAC Members Absent**
D. Dolphin; Alhambra	Covina
K. Kearney; Bradbury	Duarte
A. Sweet; Glendora	SGVMWD
R. Wang; LA County Public Works	
A. Tachiki; Monrovia	
J. Carver; Pomona	
J. Carlson; Sierra Madre	
A. Tesfaye; South Pasadena	
T. Love; USGVMWD	

Ex Officio Members Present	**Ex Officio Members Absent**
S. Green; LA County Sanitation Districts	Watermaster

Guests
B. Kadel; El Monte
L. O'Brien; La Verne
M. Barcelo: Walnut
C. Helme; Craftwater
B. Wardynski; Craftwater
B. Datti; Craftwater

SGVCOG Staff
S. Matthews
C. Sims

3. Public Comment
No public comment.

4. Changes to Agenda Order.
No changes to agenda order.

PRESENTATION

5. Maximizing Impact of Minimum Controls Scientific Study

Craftwater Engineering presented on the scientific study that the SGVCOG is looking to submit to the Safe, Clean Water Program. The study will provide a robust, scientific approach to track data on municipal MCM efforts, calculate quantitative estimates of effectiveness, and link to monitoring observations. Ultimately, the study aims to optimize MCM programs, prepare municipalities to comply with upcoming State and Regional Water Board requirements, and increase the municipal separate storm sewer system (MS4) credit that municipalities receive for these programs. There were questions on where else this type of work is being done. Craftwater replied that municipalities on the Central Coast and San Diego area have done this kind of analysis but it has not been done in Los Angeles. There were also clarifying questions on the data collection. TAC members expressed general support for the study.

UPDATE ITEMS

6. E/WMP Updates

TAC members announced that the WMPs are working on RAA updates by June 30. The ULAR group is also updating its website.

CHAIR'S REPORT

A. Tachiki announced that the MS4 Permit is to be released by the end of April.

ANNOUNCEMENTS

ADJOURN

Meeting adjourned at 10:54 A.M.

REPORT

DATE: May 11, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: MAXIMIZING IMPACT OF MINIMUM CONTROLS SCIENTIFIC STUDY

RECOMMENDED ACTION

For information only.

BACKGROUND

While the Safe, Clean Water Program (SCWP) has increased funding for stormwater infrastructure projects, the value of Minimum Control Measures (MCMs) programs has been understated. The region heavily invests in MCM programs like street sweeping, removing catch basins, and removing trash. Municipalities spend an average of $1 million per year and the City and County of Los Angeles spend $50 million per year on MCMs. Enhanced Watershed Management Programs (EWMPs) have assumed that MCMs achieve a five percent reduction in pollutants. However, there is limited data on this, and it is likely these reductions are understated.

Studying the impacts of MCMs is critical as compliance strategies are shifting towards source reduction and these programs are much cheaper than infrastructure projects. Moreover, the State Water Resources Control Board (State Board) and Regional Water Boards intend to soon require more robust justification for MCM credit.

This study would provide a robust, scientific approach to track data on individual implementation efforts, compute quantitative estimates of effectiveness, and link to monitoring observations. Ultimately, the study aims to optimize MCM programs, prepare municipalities to comply with upcoming State and Regional Water Board requirements, and increase the credit that municipalities receive for these programs.

Craftwater Engineering presented the study to the Water Technical Advisory Committee (TAC) on April 27 to discuss whether there was support for the study and for applying to the FY22-23 SCWP as a scientific study. TAC members expressed general support. At this meeting, Craftwater Engineering will present on the study and request feedback from Water Policy Committee members. Staff intends to work with member agencies to consider and submit an application for the FY22-23 SCWP, for which applications are due July 31, 2021.

Prepared by: _____
Samantha Matthews
Management Analyst

Approved by: Marisa Creter

Marisa Creter
Executive Director

REPORT

DATE: May 11, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: SAFE CLEAN WATER PROGRAM

RECOMMENDED ACTION

For information only.

COMMITTEE AND WATERSHED AREA STEERING COMMITTEE (WASC) UPDATES

The following activities have happened since the last Water Committee/TAC meeting.

Regional Oversight Committee (ROC)

- Did not meet.

Scoring Committee

- Met on April 6, 2021 to discuss the schedule for Round 3 FY 22-23 Call for Projects and Scoring Committee workplan and to discuss an assessment of Round 2 project submissions.
- Met on May 4, 2021 to continue the assessments of Round 2 project submissions, as well as areas for program improvements, including scoring criteria and the application process/project module. There were discussions on focusing less on interim program guidance and more on applicant pre-submittal workshop involvement. There was also a discussion on draft Scoring Committee Round 1 Recommendations, which are included as Attachment A. These draft recommendations were provided to the ROC. Some of the recommendations are programmatic and would need ROC and LA County staff concurrence to implement while others would need full Board of Supervisors approval and ordinance change.

Upper Los Angeles River (ULAR) WASC

- Met on April 7, 2021 to hear a Scientific Studies (SS) presentation:
    - Evaluation of Infiltration Testing Methods for Design of Stormwater Drywell Systems - California State Polytechnic University, Pomona
- On April 7, the WASC held project prioritization and selection discussions for populating the Fiscal Year 2021-22 Stormwater Investment Plan (SIP). The WASCs are aiming to finalize their SIPs by May or early June and submit to the Board of Supervisors by the end of July.

Upper San Gabriel River (USGR) WASC

- Met on April 22, 2021 to hold a project prioritization and selection discussion for populating the Fiscal Year 2021-22 SIP.

Rio Hondo WASC

- Met on April 20, 2021 to hear presentations on two Infrastructure Program (IP) project and two Scientific Studies (SS):
    - Rubio Wash Dry-Weather Diversion: The multi-benefit Project will divert and treat dry-weather runoff from Rubio Wash upstream of Rio Hondo to address bacteria.
    - Regional Pathogen Reduction Study: The latest science will be used to support the reduction of human pathogens and protect human health.
    - Fire Effects Study in the ULAR Watershed Management Area: The study will evaluate post-fire runoff and create BMP models to support water quality objectives and help meet impending TMDL deadlines.
    - Rio Hondo Ecosystem Restoration Project: Regional stormwater capture and surface infiltration facility located within the open space at the Sawpit Wash and Peck Road Park Lake
- Met on May 4, 2021 to hold a project prioritization and selection discussions for populating the Fiscal Year 2021-22 SIP.

INTERIM PROGRAM GUIDANCE

In April 2021, the District released Interim Nature-Based Solutions (NBS) Programming Guidelines based on discussions of the ROC. This interim guidance is included as Attachment B. The guidance aims to clarify how best to prioritize NBS by:

1. Establishing a shared vocabulary, starting from the SCWP definition, for considering NBS during project development and the programming of SIPs;
2. Providing guidance to the WASCs about how to prioritize NBS when evaluating projects and programming SIPs;
3. Clarifying how a project developer or applicant can and should support the program goal of prioritizing NBS; and
4. Highlighting how the feasibility study requirements and virtual application submittal tool support project proponents and WASCs in the prioritization of NBS.

Additional program guidance on Disadvantaged Communities (DACs) and community engagement are to be released by mid-May.

TRANSFER AGREEMENTS

The District is currently working with municipalities and regional program recipients on executing Transfer Agreements (TAs). 70% of municipalities have received their first-year annual payment. Delays for those municipalities that have not received payments are related to annual plan submissions and TA execution. Second-year annual plans were due in April 2021 and second-year annual payments are expected to be provided to cities by August 2021. For the regional program, 18 out of 48 project agreements have been executed and cleared to receive funding.

WATERSHED COORDINATORS

The District is currently onboarding watershed coordinators. 7 of 12 contracts have been executed. Richard Watson and Associates will be the Coordinator for the Rio Hondo WASC and this contract

execution is underway. The ULAR WASC will have three Coordinators, two from the Council of Watershed Health and one from Environmental Outreach Strategies.

ROUND 3 APPLICATIONS

Call for projects for Round 3 are due by July 31, 2021. If projects are located in the Los Angeles County Flood Control District right of way, then applicants must contact the Flood Control District by the end of May. If projects include sewer diversion, then applications must contact the relevant wastewater treatment plant.

UPCOMING MEETINGS

- Regional Oversight Committee – TBD
- Scoring Committee – Tuesday, June 1, 2021, 9:00 am – 12:00 pm
- Upper Los Angeles River WASC – Wednesday, May 20, 2021, 2:00 – 4:00 pm
- Upper San Gabriel River WASC – Thursday, May 13, 2021, 1:00 – 3:00 pm and Thursday, May 27, 2021, 1:00 – 3:00 pm
- Rio Hondo WASC – Tuesday, May 18, 2021, 1:00 PM – 3:00 pm

Prepared by: _____
Samantha Matthews
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Draft Scoring Committee Round 1 Recommendations
Attachment B – Interim Nature-Based Solutions (NBS) Programming Guidelines

DRAFT Scoring Committee Recommendations

The members of the Scoring Committee thank you for the opportunity to provide comments on the first round of projects reviewed under the Safe Clean Water Program (SCWP). As a small group that ultimately scored all 58 funding applications - while taking regular feedback from project applicants who attended many of our meetings (in an open-dialogue meeting format) - we believe the Scoring Committee is uniquely situated to provide input in how the SCWP can be improved in the future.

The first round of scoring allowed the Committee to get feedback on which criteria were unclear or regularly misinterpreted. The Committee observed that different entities misunderstood instructions in the online module, requiring resubmission and rescoring. In the next round, we must avoid similar problems to prevent unreasonable demands on Committee members' time.

Some of the recommendations below focus on improvements in the application *process*, while other suggestions are more substantive comments on the scoring criteria itself. Some can be implemented quickly (such as clarifying instructions on the application portal), while others will require additional research or time to vet to fully implement. Some of our recommendations are specific, while at other times we simply identify challenges that need to be resolved. We hope these are useful as the SCWP continues to evolve to meet the region's needs.

A small committee faced with a daunting task of scoring 58 projects in a short timeframe, we are proud of the work we have done, and believe the SCWP is off to an excellent start to be the transformational program we all believe it can be.

We hope you consider the recommendations we are putting forward to ensure the program achieves all SCWP goals as effectively and efficiently as possible. Please do not hesitate to reach out to me or any Committee member should you have any comments or questions.

General Comments

One of the greatest challenges faced by the Scoring Committee resulted from figuring out how to score projects that were at very different stages of development, as well as projects that were phased or where stormwater capture, treatment and reuse were just one part of much larger projects. Should projects be scored only on what is immediately before the committee? Should costs be applied across the entirety of projects, or just stormwater elements? A more detailed assessment and recommendations follow.

O&M and Feasibility Study Projects

In scoring projects, it quickly became clear that the Regional Project feasibility guidelines and scoring criteria were geared for the development of new capital projects. These criteria were extremely difficult (if not impossible) to adequately apply to operation & maintenance (O&M) projects or initial phase/feasibility studies. This resulted in understandable inconsistencies among applicants in how to explain and score O&M projects.

Recommended near-term fixes

At a minimum, applications requesting O&M funds should supply real-world monitoring data on how the BMPs (for which O&M funding is sought) are currently performing.

Recommended longer-term fixes
The County should seriously consider developing a separate scoring rubric for O&M projects and feasibility studies in recognition of the challenges associated with scoring these projects under the current scoring rubric geared towards new project development.

Whether under a separate scoring rubric, or simply developing guidance clarifying the existing criteria, some of the questions that should be addressed are:

- For O&M applications, should applicants be allowed to take credit (i.e., get points) from all water quality, water supply and community benefits of the overall project, or only for those benefits associated with the O&M activities that would be funded;
- Whether feasibility study projects should be scored based on benefits for the entire future project (which are often hard to project as such applications are by definition in the early stage), or is there some better criteria on which to evaluate such studies.

Phased Projects and Projects with Many Non-Storm Water Components

It was equally unclear how to score phased projects—in particular, whether to grade only the proposed phase of the project before the Committee or whether to grade based on what the final project will look like. If the latter, it is unclear how certain future phases must be in order to reward points. Relatedly, for larger projects (where stormwater is a small component), it was unclear whether to score applications based on the entirety of the project, or just the stormwater elements). Applicants often tried to get the best of both worlds by claiming benefits from the entire project, but only counting stormwater elements of the project for any cost-effectiveness criteria. The Scoring Committee generally only looked at the phase of the project being proposed in isolation and, where stormwater was just one component, tried to count the entire project for all benefits and costs (to be internally consistent).

Recommended near-term fixes
None

Recommended longer-term fixes
Clearer guidelines should be developed for applicants as to what part of the project they can get credit for, including direction as to whether:

(1) Phased projects should only be scored on the phase where funding is being sought or for the entirety of the final project after all phases (and how certain must future phases be to be awarded points).
(2) Projects where stormwater is only a component whether the portion of the project considered must be consistent across criteria or purposefully inconsistent (e.g., cost effectiveness might count only stormwater features, but community investment benefits and leveraging funding might count the whole project).

Online Form/Portal

Several applicants who attended Scoring Committee meetings mentioned that they were uncertain where to attach certain documents in the first round. As a result, supporting documentation was not included for many claimed project components and benefits. At the same time, long feasibility studies (often hundreds and in some cases more than a thousand pages) were often attached to multiple sections of the online form. Due to online submission challenges, the Scoring Committee provided a five-day resubmission process for applicants and did its best to go through all documents, even when it was not easy to find information in pertinent sections.

Recommended near-term fixes

The online form should be revised to clarify which attachments should be included where, with a goal of making it easy for reviewers to easily see relevant supporting information when reviewing specific scoring sections. Long studies should be included ONCE, while appropriate back up should be readily accessible in each section—community investment benefits, nature-based solutions, etc.—in a concise, clear, easy-to-read format that is responsive to the scoring criteria.

The online form should also generate a table of contents for attachments.

A standardized budget on the website, with O&M information, would also be beneficial, as the way the website currently characterizes project budgets is not well defined.

Finally, the form should require applicants to include a project summary that, where applicable, explains how the proposal fits within a larger project, includes useful project pictures, and clearly identifies which components of the larger project would be funded through the proposal.

Recommended longer-term fixes

Continue to get feedback from project applications and Scoring Committee members to ensure the online application portal is as clear as possible and allows for easy and consistent scoring.

Consider whether to make formulas/modeling used to calculate water quality and water supply benefits on the on-line portal publicly accessible (so applicants could easily review)

Project Flow / Role of the Committee

The flow of projects from the Scoring Committee to WASCs was inefficient for the first round of review. The Scoring Committee rushed to get scores to WASCs in time for WASCs to have them during project presentations. However, this information did not always make it to WASCs prior to applicant presentations, meaning many projects were presented to WASCs without a score or notes from the Scoring Committee. The notes, in particular, were meant to allow WASCs to ask applicants directly to address some of the concerns or uncertainties identified by the Scoring Committee. But this was not possible where WASC's didn't get our scores or notes in advance of their meetings.

Recommended near-term fixes

The Flood Control District should create a better timeline and meeting arc for all committees so that things are not as rushed and information is provided early enough to inform decisions.

Recommended longer-term fixes
Moving forward, the Board of Supervisors may want to revisit the roles & responsibilities of each Committee (e.g., should the WASC take a more active role in reviewing projects prior to sending them to the Scoring Committee?). In addition, as Fund Transfer Agreements are finalized it would be beneficial to have a level of consistency between Scoring Criteria and Performance Standards the project will use for ongoing reporting.

Enhancing Resources for Applicants

In the first round we found that entities provided dramatically different information with different levels of detail when asked to provide a "description."

Recommended near-term fixes
We support the development of a tutorial, training, and FAQ page to help applicants navigate and input data into the website.

We also urge the Flood Control District to take the opportunity to improve the guidance included in the module so that different entities enter comparable information that can inform WASC and Regional Oversight Committee (ROC) decisions.

Pre-submittal workshops should be held for potential applicants, including both County personnel and non-County speakers (members of the Scoring Committee, WASC or even outside groups that worked on developing the Program) participating so applicants can understand what the intent is for certain sections and what decision-makers are looking for in submittals.

Additional Research Needs

The scoring criteria for this first round of applications was developed using a very small sample-size of projects developed. This resulted in some criteria not accurately reflecting the realities of how much projects cost, potential for water quality improvements or the like.

Recommended longer-term fixes
Armed with feedback from project applicants and a larger set of projects that can be evaluated, there should be additional data mining to further refine and enhance scoring criteria moving forward. A list of potential additional research needs can be found in Appendix A. Depending on how intensive this effort would be, funding could be sought from the Special Studies Fund of the SCWP.

Disadvantaged Community Benefits Information

While not in purview of Scoring Committee, there is no clear definition of what "DAC benefit" means, which allows many applications to claim this benefit with little support. The County should consider developing clearer guidance on DAC benefits.

A. Water Quality

A.1 Wet + Dry Weather Water Quality Benefits

Some parts of the online form related to water quality criteria were confusing, especially for projects with multiple best management practices (BMPs) or linear BMPs. In addition, the scoring criteria was developed based on results gleaned from a very small sample-size of built projects, meaning the criteria might not fully or accurately reflect benefits of projects. In addition, for projects with a large drainage area, it was difficult to build projects with enough capacity to score high as 'wet weather' projects (thus disadvantaging larger projects that might actually reduce pollutant loading more than smaller projects that achieve a higher percentage reduction). Where a project could not score as a wet weather project, the Committee applied the dry weather scoring to try to maximize points for the applicant, though this did not always reflect the intent of the project. Similarly, since scoring criteria is based on the percentage of pollutant reduction between influent with effluent, projects in areas with cleaner runoff (such as mountain runoff) will score higher for removing very small amounts of pollutants compared to more polluted areas where overall pollution reduction is greater but percentage reduction is less. The Committee also observed that it was sometimes hard for projects that were 'over-built' in order to address flooding or other community needs to score many cost-effectiveness points. Finally, some applicants used their own model, making it hard for the Committee to evaluate outputs.

Recommended near-term fixes

Revise the cost-effectiveness (per acre-foot or AF) criteria under A.1.1 to more of a linear or scaled ratio, to help ensure projects don't lose so many points for relatively small changes in cost effectiveness (which is both fairer and will reduce the incentive of manipulating scores to maximize points).

Recommended longer-term fixes

Amend section A.1.2 to include two options: a magnitude route such as pounds of pollutants removed, and a volume treatment route.

In addition to, *or instead of*, the recommendation above, scoring criteria could also be modified to have more of a sliding scale, which would allow for partial credit.

Undertake additional data mining (now that we have significantly more projects to assess than when the Program was first launched) to develop an appropriate threshold to support a "magnitude route for compliance (which would allow applicants to select from two options: a magnitude route such as pounds of pollutants removed, and a volume treatment route).

Guidance should clarify that website values must be supported in the application materials and must be consistent throughout the application. In addition, additional supporting information should be required when applicants use their own model to calculate water quality benefits.

A.2 Dry Weather Only Water Quality Benefits

Applicants of large projects that could not score well under the A.1 criteria opted for dry weather even when the project was clearly intended for wet weather. Even when applicants didn't do this

on their own, the Scoring Committee took it upon itself to recategorize projects that (based on our calculations) wouldn't have scored points under A.1 as dry weather projects.

Recommended near-term fixes
Dry weather points should be modified to 0.1-inch storms as a maximum to prevent wet weather projects from using the category. (*Note, making the previous recommended edits to A.1.2 would also help address the underlying issue*.)

Recommended longer-term fixes
Consider creating a cost-effectiveness category for the A.2 category (possibly employing a Gallons per Minute (GPM)/$1M metric). Similar to A.1.1, such an update would require a data mining effort to develop this metric.

B. Water Supply Benefits

While we did not undertake a statistical analysis, it appeared that some watersheds and project types had a significant scoring advantage, which could then create inequities or challenges for other watersheds. Specifically, watersheds and projects that have significant advantages to achieve water supply points include: (1) larger projects (e.g., spreading grounds) in areas with good soils and aquifer recharge (like San Gabriel, Upper LA River, and Rio Hondo watersheds); or (2) larger low-flow diversion projects sending water to water recycling facilities. Having scoring criteria that makes it almost impossible to get 25 water supply related points in areas without easy access to groundwater or water recycling facilities could potentially make it hard for certain WASCs to have any projects get approved.

For the Upper San Gabriel and Rio Hondo watershed areas, there is the added uncertainty of whether projects should get credit for water supply benefits when the majority of stormwater is already captured. The Scoring Committee opted for now to give points in these areas, acknowledging that there could be longer term ecosystem benefits of such an approach.

The Scoring Committee also observed that applicants with a low-flow diversion project often asked for water supply points even when the water recycling projects are planned, but not yet built (e.g., Hyperion or JWPCP in Carson). While we appreciate that providing these low-flow diversions could help create the supply (and influence the market) to help ensure such water reclamation facilities get built, it is also true that these projects are not yet certain and therefore it is possible we might be approving projects that are not truly multi-benefit (as required by the SCWP). In the first round, the Scoring Committee allowed these projects to claim water supply points because we assume a goal of the SCWP would be to encourage projects that will facilitate the development of water recycling plants.

Recommended near-term fixes
The County should provide more definitive direction to the Committee and applicants: (1) whether it will award water supply points for projects diverting water to speculative water reuse projects, and (2) whether, for the Upper San Gabriel and Rio Hondo watershed areas, projects will get credit for water supply benefits when the majority of storm water is already captured.

Recommended longer-term fixes
The Board of Supervisors may decide to change the scoring criteria in the future so that it is curved for each watershed (or for watersheds with similar water supply constraints). It would work well to set an acre-feet capture value as a threshold for applicants to get a minimum level of points, and then to curve the points for each watershed area (or similar watershed areas) to the points of the application with the highest acre-feet captured value. This would help ensure that projects in the majority of watersheds are not unfairly disadvantaged.

In addition, maintenance costs have a major effect on cost effectiveness. It would be beneficial to convert this metric to a scaled value as well as to conduct a data mining effort to update the score ranges.

Further, because the current scoring criteria likely provides an incentive for applicants to underestimate O&M costs, O&M should be looked at separately and judged according to separate scoring criteria.

C. Community Investment Benefits

Lack of measurable outcomes around community benefits made it very difficult for applicants to know what to take credit for when submitting feasibility studies, and equally challenging for the Committee to score projects. Most applicants took credit for at least half of the available community investment benefits points, likely undermining the intent of these criteria. (See Appendix B for breakdown of how many projects were awarded points for various community benefits.)

One somewhat absurd example was 'improved flood management', which was claimed by virtually all applicants with the mere rationale that any stormwater project helps with flood management to some extent, which does not seem aligned with the initial intent of the SCWP (which likely was to meaningfully address flood risk in heavily impacted communities). Without clear metrics or guidance, the Scoring Committee's workaround for 'improved flood management' was to award points for all wet weather projects, and deny for dry weather projects (whether projects were submitted as dry weather or the Committee reclassified as dry weather to improve points when projects couldn't meet wet weather criteria). As you can guess, this was not a satisfying approach, and highlights the challenges (to applicants, scorers and even WASCs) when metrics are not included.

The online application added further confusion by shortening some descriptions from the feasibility guidelines, making things even less clear to applicants. Further complicating matters was that the vast majority of applicants didn't include ANY attachments for the community benefit section (which may have resulted in lack of clear direction with the online form). To the extent information was included, it was generally within a hundreds-of-pages-long feasibility study in another section, which Committee members then had to sort through.

Due to lack of clarity in definitions (and the fact that many community benefits derive from building nature-based projects), in many instances doing one thing (e.g., enhancing a park or adding a few trees) got applicants points in several categories, such as planting of trees, heat island reduction, and greenhouse gas reduction. Overall, many projects took credit for somewhat dubious benefits—for example, rebuilding (slightly) nicer ball fields after tearing up an old field for underground storage. Others took credit for new park benches or improving an arboretum as 'enhancing parks' even though those improvements don't relate to storm water or nature-based projects. Others took credit for a few native plantings in a bioswale in a parking lot (as enhancing habitat).

Largely because we felt direction to applicants, as well as the scoring criteria itself, was vague, the Scoring Committee took a lenient approach in this first round and generally awarded points to applicants claiming benefits, even when they did not provide sufficient supporting documentation and added benefits were unclear. Where points were awarded to fairly uncertain benefits, the Scoring Committee provided notes to WASCs identifying questions and concerns. This 'workaround' was deemed necessary for this first round of funding, but it is unsatisfactory as it does not ensure true community benefits are being achieved.

Recommended near-term fixes

Update the online application portal to require relevant backup materials for the Community Investment Benefits section, and ensure such attachments are responsive to the section (and not just reattaching the entire feasibility study).

As part of the portal update, put the onus on applicants to justify how their projects will actually achieve the benefits they claim with some level of specificity. For example,

The Feasibility Guidelines ask for explanations and analyses beyond what was submitted by most project applicants. The Scoring Committee therefore proposes to add specific prompts to the online form that are in line with the current Guidelines but would elicit more relevant information from applicants:

Improve flood management, flood conveyance, or flood risk mitigation:

- The explanation and analysis should include: (1) details (if any) about any flooding issues in the area of the project that the project will address, and/or (2) if flood risk is reduced in downstream rather than immediately adjacent area, specific information about downstream flooding issues (if any) and the volume of water that will be retained or infiltrated relative to the capacity of the downstream problem area.

Create, enhance, or restore parks, habitat, or wetlands

- The explanation and analysis should include a graphic and/or description of the area of the site that is "created, enhanced, or restored" relative to the total project footprint. These more ecosystem-focused park improvements should be distinguished from the recreational points below by including planting plans with a preference for native habitats, such as:
    1. Native woodland
    2. Native shrubland
    3. Native savanna
    4. Native grassland
    5. Native riparian woodland

6. Native marsh/meadow/vernal pool
7. Open water

Improve public access to waterways

- Access and waterway should be better defined. Does access mean physical access, or is visual access sufficient? Does waterway include constructed wetlands?
- The explanation and analysis should include, where relevant, a picture and/or description of the location of the project relative to the waterway.

Enhance or create new recreational opportunities

- The explanation and analysis should include, where relevant, a graphic and/or description of the area of the site that is "created, enhanced, or restored" relative to the total project footprint. The explanation should also specifically describe enhancements or restorations relative to the original project site, with supporting graphics where possible.

Create or enhance green spaces at schools

- The explanation and analysis should include, where relevant, a picture and/or description of the location of the project relative to the school.
- This Community Investment Benefit can be awarded only if the project is "at" a school, given that several applicants took credit for school adjacent projects or projects likely to attract students from local schools.

Improve public health by reducing local heat island effect and increasing shade

- The explanation and analysis should include a description of the relative increase in shade at the project site. It should also include the number of trees that will be added and the square feet of canopy added (once fully grown in) compared to the pre-project site and compared to the full site footprint.

Improve public health by increasing the number of trees and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality

- The explanation and analysis should include the number and types of trees and plants to be added compared to the number and types at the site before construction begins, as well as an analysis of the amount of CO_2 that will be sequestered annually from that new vegetation (once it is mature).

Recommended longer-term fixes

Establish specific (clear) definitions and metrics for each benefit (e.g., how much carbon needs to be sequestered to receive points?; identifying what type of measurable can be applied to improved flood management).

Revisit whether Community Benefits should be merged with (more measurable) Nature-Based Solutions section (as there is so much overlap between these two). To the extent this is not deemed feasible or desirable, try to eliminate areas of redundancy, where one project design element yields multiple points (such as adding a few trees in an existing public park yields points for: (1) carbon sequestration; (2) heat island effect; (3) park enhancement; and (4) enhanced recreational opportunity, while also getting points under the Nature-Based Solution section).

D. Nature-Based Solutions

Again, due to lack of metrics and clear guidance, it was very hard for applicants to self-score or the Committee to issue a final score on nature-based solutions. Most projects claimed 10 (of 15)

nature-based solutions points, and the Scoring Committee largely awarded these points with notes to WASCs that the claims were not well supported in the application. It is currently unclear how much actual greening will occur in association with proposed projects given the inadequate guidance. Another issue the committee faced is that impermeable area points (similar to previous sections related to water quality) are percentage based, so some of the projects that scored highest actually had very little actual removal of impervious cover, but had a high percentage (for example, one project got maximum points by decreasing impermeable area from .1 to 0 acres). And some projects (which included parking lot enhancements as part of a larger park stormwater project) actually increased impervious cover, but were still awarded points if there were other nature-based (e.g., bioswale) elements to the project.

Recommended near-term fixes

Moving forward, the feasibility guidelines should be more clearly incorporated into the online application so that both applicants and Scoring Committee members can better assess whether projects are eligible for these points. Those guidelines state that "[i]f Nature-Based Solutions are not utilized, an explanation, with supporting analysis and information, of why it is not feasible to do so." In addition, the Feasibility Study must include "[a]n explanation, with supporting analysis and information, of how the Project" meets the following criteria:

Implements natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances or restores habitat, green space or usable open space.

- Nature mimicking projects include "green streets, spreading grounds and planted areas with water storage capacity." Ordinance at p. 3. It must be clarified that nature-mimicking projects do not include bioreactors or low flow diversions unless there are associated planted materials.

Utilizes natural materials such as soils and vegetation with a preference for native vegetation.

- The explanation should include the relative increase in soils and vegetation at the project site and/or the relative increase in native vegetation. If a plant palate has been developed, it should be attached (and if no plant palate has been developed, then at least a description of what would go into determining a plant palate).

Recommended longer-term fixes

Consider awarding points for removal of impermeable surface based on overall acreage removed, or at least should impose a minimum acreage removed threshold to score points if percent reduction continues to be the metric. Consider whether projects that actually increase impermeable surface should face some penalty.

Undertake additional research to develop a more metrics-based approach to awarding points for nature-based projects.

E. Leveraging Funds & Community Support

Cost Share

Although the cost share criteria seems clear, applicants interpreted it in different ways: some claimed cost-share points for staff time, some claimed points for speculative funding (e.g., grant applications, or for using unspecified amounts of local return funds), and some left funding gaps (e.g., asked for $2 million and showed $2 million in match, but listed the overall project cost as $5

million). The Scoring Committee gave points where there was a committed funding match (not just staff time), and funding was secure for the entire storm water portion of the project.

Recommended near-term fixes
For the next funding round, the feasibility guidelines should be elevated as part of the online application portal. Those state that, to be awarded cost share points, the Feasibility Study must include: "a discussion of how other funding sources are being leveraged to finance the Project, including documentation of such other funding sources (e.g., existing agreements, MOUs, grant awards). Other funding sources could include funds from the SCW Municipal Program."

Recommended longer-term fixes
Consider providing more guidance on how cost-share should be calculated to ensure clarity and consistency, including:

- Requiring applicants that are committing to use their SCWP municipal funds as cost share to account for where all such local return funds are being utilized to ensure they are not being double-counted for multiple projects
- Making a determination about whether or not staff time can be counted as match
- Making a determination as to how certain funding must be to be awarded points (because of the timing of funding applications, does an applicant need to show 100% of funding is committed in order to get points, or is some lesser percentage sufficient as long as the applicant has a realistic plan to get the rest?).

Community Support

Many applicants claimed points for community support while either mistaking outreach for community support or providing a letter from an individual or group that is not representative of the broader community. Almost no applicants engaged with non-governmental organizations in a significant way to inform project design or implementation. The Scoring Committee awarded points to projects that had ANY letters of support, even if from a single resident or organization, so long as the letter was not from a municipality or elected official. However, it was unclear whether most projects have true "strong community support" as was intended when the Safe Clean Water Program was developed.

Recommended near-term fixes
For the next round of funding, a clearer definition of "strong support" must be provided and the minimum requirements for demonstrating that support must be defined, and should at a minimum clarify that "strong support" does not mean a plan for *future* outreach, and entails concrete evidence of meaningful support.

Recommended longer-term fixes
In the long run, the Board of Supervisors should consider enhancing the points available for true collaborations between NGOs and project applicants. They might also consider implementing community engagement metrics similar to those used in Prop O and Parks Measure A.

Appendix A: Possible Special Studies

1. Data mining to update scoring criteria given that the criteria was developed with five projects and there are now dozens of projects to improve thresholds.
2. For pollutant removal calculations at A.1.2 – data mining to come up with an appropriate threshold to support a "magnitude route for compliance. This would allow applicants to select from two options: a magnitude route such as pounds of pollutants removed, and a volume treatment route.
3. For the A.2 category - creating a cost effectiveness category to capture the high cost for some dry weather projects. Updates would require a data mining effort to develop this metric.
4. For the A2.2 tributary area limits - re-evaluate through a data mining effort as these came from a limited set of projects.
5. For water supply - maintenance costs have a major effect on cost effectiveness. Converting this metric to a scaled value as well as conducting a data mining effort to update the score ranges would be beneficial.
6. Water supply – Upper LA River, Upper San Gabriel River and Rio Hondo appear to have large advantage. The Scoring Committee could use a further detailed analysis to determine if what was perceived at the Committee was, in fact, what was happening.
7. Additional water supply categories could be developed for various ecological benefits provided to maximize the water supply benefits for the Region.
8. A member of the public noted that a study was done in 2007 that monitored dry weather capture for specific watersheds, and that the website should provide an estimate of dry weather flow for specific projects. TJ Moon noted that data may not be available to consistently provide a dry weather flow estimate for all areas of the County, and that new studies would likely be required. Currently, project applicants can overestimate water supply benefit by entering in their own dry weather flow value.
9. Undertake additional research to develop a more metrics-based approach to awarding points for nature-based projects

Appendix B: Breakdown of Community Investment Benefits

Of the 51 projects that cleared the scoring threshold, the following number of projects were awarded points (or claimed points for DAC benefits)

DAC	
DAC benefit claimed	34
Community Investment Benefit Awarded	
Improved flood management, flood conveyance, or flood risk mitigation	43
Creation, enhancement, or restoration of parks, habitat, or wetlands	39
Improved public access to waterways	7
Enhanced or new recreational opportunities	36
Greening of schools (assuming only at schools counts)	2
Reducing local heat island effect and increasing shade	41
Increasing the number of trees increase and/or other vegetation at the site location that will increase carbon reduction/sequestration and improve air quality	43
Nature-Based Solutions Full Points Awarded	
Implements natural processes or mimics natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or usable open space	47
Utilizes natural materials such as soils and vegetation with a preference for native vegetation	43
100% impervious cover removed	7
60% impervious cover removed	2
40% impervious cover removed	6
Leveraging Funds Full Points Awarded	
>25% funding matched	5
>50% funding matched	23
Community Support Full Points Awarded	
Demonstrates strong local, community support	21

Safe, Clean Water Program

Programming of Nature-Based Solutions

CONTENTS

Purpose

Los Angeles Flood Control District Code states that one of the Safe, Clean Water Program (SCWP) goals is to "**prioritize Nature-Based Solutions**" (Section 18.04.F) to achieve water quality, water supply, and community investment benefits. This goal applies across the entire SCWP, with specific requirements in both the Municipal and Regional Program elements. This guidance seeks to help project proponents and decision-making bodies "prioritize" Nature-Based Solutions.

Specifically, this guidance clarifies how best to prioritize Nature-Based Solutions by:

1. Establishing a shared vocabulary, starting from the SCWP definition, for considering Nature-Based Solutions during Project development and the programming of Stormwater Investment Plans (SIPs);
2. Providing guidance to the nine Watershed Area Steering Committees (WASCs) about how to prioritize Nature-Based Solutions when evaluating Projects and programming SIPs;
3. Clarifying how a Project developer or applicant can and should support the Program Goal of prioritizing Nature-Based Solutions; and
4. Highlighting how the Feasibility Study requirements and virtual application submittal tool support Project proponents and WASCs in the prioritization of Nature-Based Solutions.

This guidance is focused on elements within the Regional program but may also be an important reference for the Municipal program.

Nature-Based Solutions in the Safe, Clean Water Program

Section 16.03.V: ***Nature-Based Solutions*** *means a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include:*

- *relying predominantly on soils and vegetation;*
- *increasing the permeability of Impermeable Areas;*
- *protecting undeveloped mountains and floodplains;*
- *creating and restoring riparian habitat and wetlands;*
- *creating rain gardens, bioswales, and parkway basins; and*
- *enhancing soil through composting, mulching, and planting trees and vegetation, with preference for native species.*

Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, creating and enhancing parks and open space, and improving quality of life for surrounding communities.

Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity.

In short, Projects that use natural processes or nature-mimicking strategies to meet identified needs and deliver SCWP benefits are Nature-Based Solutions:

Such projects can employ natural processes or nature-mimicking strategies to achieve any of the key benefits that SCWP seeks to provide:

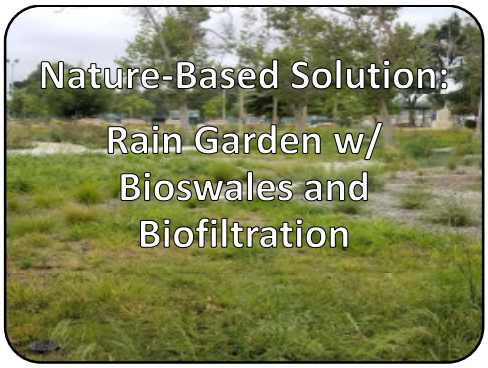
- Water Quality
- Water Supply
- Community Investments, including, but not limited to:
    - Improved flood management, flood conveyance, or flood risk mitigation;
    - Creation, enhancement or restoration of parks, habitat, or wetlands;
    - Improved public access to waterways;
    - Enhanced or new recreational opportunities;
    - Greening of schools; and
    - Reduced heat island effect and increased shade or planting of trees / other vegetation

Safe, Clean Water Program

Programming of Nature-Based Solutions

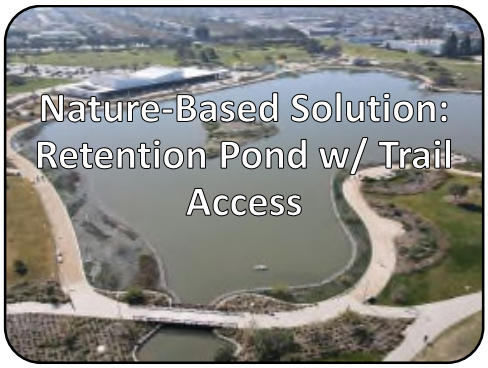
Below are examples of Nature-Based Solutions that can be used to address needs or desired outcomes and to provide SCWP Benefits.

Need/Desired Outcome: Reduced Pollutants in Local Waterways



SCWP Benefit: Water Quality Benefit

Need/Desired Outcome: Improved Local Water Supply Resilience



SCWP Benefit: Water Supply Benefit

Need/Desired Outcome: Increased Park Space & Access to Recreation

SCWP Benefit: Community Investment Benefit

It is important to note that Nature-Based Solutions are inherently holistic approaches, and as a result, often provide multiple benefits. The examples above have been simplified for illustrative purposes. The actual benefits provided through these Projects are more extensive than those listed.

The prioritization of Nature-Based Solutions, as called for in the Program Goals, is intended to apply to both the Regional and Municipal Programs. The Los Angeles Flood Control District Code calls for the following high-level policies related to Nature-Based Solutions:

Regional Program

Section 16.05.D.1.g: Regional Infrastructure Program funds *"Shall be programmed, to the extent feasible, such that Nature-Based Solutions are prioritized."*

Municipal Program

Section 16.05.C: "*Projects implemented through the Municipal Program shall include a Water Quality Benefit. Multi-Benefit Projects and Nature-Based Solutions are strongly encouraged."*

Section 16.05.C.1: Municipalities receiving funds shall prepare *"…a progress/expenditure report that details a program-level summary of expenditures and a description of Water Quality Benefits, Water Supply Benefits, Nature- Based Solutions, and Community Investment Benefits realized through use of Municipal Program Funds."*

Prioritizing Nature-Based Solutions

The prioritization of Nature-Based Solutions can be realized from initial Project design to recommended programming of funds in SIPs, to retrospective program evaluation. Across these varied contexts, the following question can help Program participants prioritize Nature-Based Solutions:

Are there natural processes or nature-mimicking strategies that this Project can use to address watershed needs and deliver SCWP benefits?

For example, using this question, a Project proponent can design a Project that maximizes the use of natural processes and nature-mimicking strategies to provide needed or desired water quality, water supply, or community enhancement benefits, or to submit a request under the Technical Resources Program such that a Feasibility Study would be conducted, including an investigation as to if and how natural processes and nature-mimicking strategies can be used at the particular site.[1] Likewise, the governance committees can use this question in evaluating the extent to which individual Projects and SIPs for each Watershed Area are fulfilling the directive to prioritize Nature-Based Solutions in order to meet needs of the watershed and/or communities within it. Additional tools and suggestions are included in the section, "Regional Program Guidance," below.

It is important to acknowledge that some needs and desired outcomes the SCWP seeks to address cannot be met using natural processes or nature-mimicking strategies. So too, Nature-Based Solutions

[1] Any requests to explore project concepts as part of the Technical Resources Program must be approved by Watershed Area Steering Committees (WASCs) as part of Stormwater Investment Plans for the Watershed Area in which the request was submitted.

that address needs and provide benefits in one context or location may not be able to do so in all contexts or locations. Assessing the feasibility of using natural processes or nature-mimicking strategies is key to Project development, when programming Stormwater Investment Plans (SIPs), and when evaluating the extent to which SIPs might prioritize such Nature-Based Solutions.

For many watershed and community-level needs—from addressing unreliable local water supply to improving community-level investment in historically underinvested communities—and for each of the core SCWP benefits, there are proven Nature-Based Solutions in the greater Los Angeles region and elsewhere around the world. Further, the use of Nature-Based Solutions can, in many circumstances, be the most effective tool for achieving multiple benefits. For example, prioritizing solutions that use natural processes or nature-mimicking strategies to address poor water quality or insufficient local water supply can often produce community enhancements as well. In cases where the need is not feasibly met by Nature-Based Solutions, other identified needs or desired outcomes, such as increasing access to green space or reducing vulnerability to the urban heat island effect, may perhaps be addressed with natural processes or nature-mimicking strategies. There are plentiful examples for using Nature-Based Solutions to meet a variety of needs and desired outcomes, including improved flood management; additional parks, habitat or wetlands; increasing access to waterways; enhancing recreational opportunities; increasing green space on school property; and mitigating against extreme heat.

Natural Processes and Nature-Mimicking Strategies Used in Nature-Based Solutions

A clear linkage exists between watershed and community needs, Nature-Based Solutions, and delivery of the core benefits the Safe, Clean Water Program. Below is a table that attempts to capture and make explicit some of those linkages. It is important to note that many of the needs or desired outcomes, feasible Nature-Based Solutions, and the benefits that can be achieved by using them are integrated. Thus, there is significant overlap in the contents of the rows below.

The table below is not intended to be an exhaustive list of needs/desired outcomes, strategies, or benefits in any of its columns; rather it is illustrative and presented to support Project developers and WASC members in identifying ways in which natural processes and nature-mimicking strategies can be used to address known challenges and as means of yielding tangible benefits. Because this table is not comprehensive, there may be natural processes and/or nature-mimicking strategies that address needs/desired outcomes and provide benefits outside of these categories. ***Any natural processes or nature-mimicking strategy claimed as Nature-Based Solutions by a Project applicant but not included on this table will be evaluated at the discretion of WASC members in each individual Watershed Area on a case-by-case basis.***

Identified Need or Desired Outcome	Potential Natural Processes & Nature-Mimicking Strategies	SCWP Benefits
Improved environmental water quality	Bioretention; biofiltration; removed impermeable area; increase of permeability; soil enhancement; green streets	Water Quality Benefit
Increased local water supply	Surface and subsurface infiltration to groundwater; treat and release clean stormwater flows for a justified beneficial use; stormwater capture to offset irrigation with potable water; soil enhancement to offset irrigation with potable water; new native and climate-appropriate planting to offset irrigation with potable water; remove impermeable area; increase permeability	Water Supply Benefit
Improved flood management	Bioretention; native and climate appropriate planting; removal of impermeable area; increase of permeability; microtopography changes; protection or restoration of riparian or wetland systems	Community Investment Benefit (CIB): Flood Management
Improved flood conveyance	Stream daylighting; bioretention; microtopography changes; removed impermeable surfaces; increase of permeability; localized infiltration to groundwater	CIB: Flood Conveyance
Reduced flood Risk	Bioretention; microtopography changes; native and climate appropriate planting; soil enhancement; construction or restoration of riparian or wetland systems; protection of undeveloped mountains or floodplains	CIB: Flood Risk Mitigation
Increased park space	New pocket parks, green alleys, green medians; new access to stormwater facilities or streams; park renovation; new native or climate appropriate planting	CIB: Create, Enhance, Restore Parks
Increased, improved, or restored habitat area	Construction or restoration of riparian or wetland systems; new native and climate appropriate planting; soil enhancement; treat and release clean stormwater flows for a justified beneficial use; protection or restoration of native or climate appropriate habitat; protection of undeveloped mountain or floodplains	CIB: Create, Enhance, Restore Habitat
Increased, improved, or restored wetlands	Construction or restoration of riparian or wetland systems; new native and climate appropriate planting, soil enhancement; treat and release clean stormwater flows to wetland habitats	CIB: Create, Enhance, Restore Wetlands
Increased public access to waterways	New parks or greenways at street ends or in streamside rights-of-way; new access points and services in waterway rights-of-way	CIB: Public Access to Waterways
Increased access to quality	New or enhanced parks or greenways; stream daylighting; treat and release clean stormwater flows in recreational areas; new native and climate appropriate planting	CIB: Enhanced or New

Identified Need or Desired Outcome	Potential Natural Processes & Nature-Mimicking Strategies	SCWP Benefits
recreational opportunities		Recreational Opportunities
Increased green space on school property	Removal of impervious area; new native and climate appropriate planting	CIB: Greening Schools
Extreme heat mitigation	Removal of impervious area, new native and climate appropriate planting, soil enhancement	CIB: Reduced Heat Island Effect
Increase in shade/tree canopy and vegetation	Native and climate-appropriate shade tree planting[2]	CIB: Increased Shade; Planting Trees
Improved air quality	Native and climate-appropriate tree planting	CIB: Planting Trees
Increase in green space	New pocket parks, green alleys, green medians; new access to natural stormwater facilities; park renovation; new native or climate appropriate planting	CIB: Planting Other Vegetation
Greenhouse gas emissions mitigation	Native and climate appropriate planting; soil enhancement; construction or restoration of riparian and wetland systems	CIB: Sequestering Carbon
Enhanced biodiversity	Native and climate appropriate planting; soil enhancement; construction or restoration of riparian and wetland systems	CIB: Supporting Biodiversity
Improved quality of life	New or enhanced parks, green alleys, green medians; new or enhanced access to rights-of-way along waterways; new native and climate appropriate planting	CIB: Improving Quality of Life
Improved public health	New native and climate appropriate planting, soil enhancement; vector minimization strategies; biofiltration; treat and release stormwater flows to recreational areas; new or enhanced park and recreational access	CIB: Improve Public Health

Regional Program Guidance

1. **Scoring and Feasibility Studies via the Project Module**

All applicants seeking funding through the Regional Program must submit a Feasibility Study, or equivalent, for review by the Scoring Committee and one of nine Watershed Area Steering Committees.

[2] For all plantings on SCWP Project sites, there is a preference for plants that are native or climate-appropriate for the Los Angeles Region. Several resources with examples of these plant types are linked in the "Regional Program Guidance" section. Note that these lists are not intended to be exhaustive, and a proponent may choose to justify that a plant not found on these lists is climate-appropriate and/or native as well.

Feasibility Study applications are submitted using a virtual tool on the website, the Project Module. Using the Feasibility Study information provided by the applicant via the Project Module, the Scoring Committee will verify the points awarded for Projects, including points specifically for Nature-Based Solutions.

Known or Perceived Need Addressed by Project

The Project Module asks each Project applicant to identify the known or perceived needs or desired outcomes of the community or Watershed Area within which a Project is located, justification of why the Project developer understands those to be needs, and the ways that the Project is anticipated to address those needs and achieve desired outcomes. This question is posed for each of the three SCWP benefits – Water Supply Benefit, Water Quality Benefit, and Community Investment Benefit.

While not scored, this is an important part of the Project narrative that WASC members should consider in their evaluation of the strength of any individual Project or suite of Projects for inclusion in a Stormwater Investment Plan.

Points Available for Nature-Based Solutions

Of the total 110 points maximum, Project applicants can attain a total of 15 points for implementation of Nature-Based Solutions. See description and point distribution in the table below.

D. Nature-Based Solutions	15 points max	The Project implements Nature-Based Solutions
	15 points	D1. Project: • Implements natural processes or mimics natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances and/or restores habitat, green space and/or usable open space = 5 points • Utilizes natural materials such as soils and vegetation with a preference for native vegetation = 5 points • Removes Impermeable Area from Project (1 point per 20% paved area removed) = 5 points

Project applicants must include the following Nature-Based Solutions information in their Feasibility Studies in order to be awarded points:

- 5 points for **implementing natural processes** (yes/no)

  The Project Module provides the following example for implementing natural processes: "*For example, does this project implement natural processes or mimic natural processes to slow, detain, capture, and absorb/infiltrate water in a manner that protects, enhances or restores habitat, green space or usable open space*."

  To be eligible for points in this category, Projects should support achieving desired outcomes related to improved water quality, water supply, and/or community investments using **embedded solutions** where the processes used to slow, detain, capture, and absorb/infiltrate water is both a natural process or nature-mimicking strategy AND protects, enhances, and or

restores habitat, green space and/or usable open space.

Importantly, habitat, green space, and usable open space or other natural processes or nature-mimicking strategies that are independent of the stormwater improvement would not be eligible for points in this category. Excluded strategies may include, but are not limited to, ornamental landscaping, pocket parks, and shade trees..

- 5 points for **utilizing natural materials** (yes/no)

  The Project Module references the following example for how a Project can use natural materials: *"For example, such as soils and vegetation with a preference for native vegetation. The explanation should include the relative increase in soils and vegetation at the project site and/or the relative increase in native vegetation. If a plant palate has been developed, it should be attached."*

  To be eligible for points in this category, the Project should advance benefits related to water quality, water supply, and/or community investments by incorporating natural materials such as soils and vegetation—with a preference for native and climate-appropriate vegetation—anywhere within the Project area. There are multiple databases (some examples are shown in Figure 1) produced by Los Angeles area organizations and institutions that can support the selection of appropriate and preferred plants, trees, and soil amendments. Note that these lists are not intended to be exhaustive, and a proponent may argue that a plant not found on these lists is climate-appropriate and/or native.

  The natural materials may be associated with the stormwater improvement but are not required to be. Strategies may include, but are not limited to, adding landscaping, planting shade trees, planting native and climate appropriate vegetation, soil enhancement for infiltration (or subsurface infiltration) or improved soil health, and other strategies listed in the table above.

Figure 1. Resources for Native and Climate-Appropriate Vegetation.

Los Angeles County Waterworks Division: https://dpw.lacounty.gov/wwd/web/Conservation/NativePlant.aspx

California Native Plant Society: https://vegetation.cnps.org

Metropolitan Water District Water Wise Program: https://www.bewaterwise.com/assets/mwd_plantguide-screen_la_4_23.pdf

Theodore Payne Foundation: Plant Guides: Plant Guides | Theodore Payne Foundation

TreePeople Climate-Appropriate Non-Native Plants List: https://www.treepeople.org/wp-content/uploads/2020/08/Non-Native-Plant-Starter-List.pdf

- Up to 5 points for **removing impermeable surface** (1 point for every 20% impervious area removed)

  The Project Module asks the proponent to quantify the amount of impermeable surface that will be removed during the course of the Project, with this guidance: "*An engineering estimate for how much impermeable area is removed after the construction of the project. Compares the impermeable area of the site before construction to after the project is completed."* (Yes/No;

Acreage estimation before and after)

The role of impermeable surfaces in the production of polluted runoff and as a barrier to infiltration is well established. Impermeable surfaces are also often the cause of heat islands and the associated negative public health outcomes.

Absence of Nature-Based Solutions

If Nature-Based Solutions are not used, the proponent is required to provide an explanation, with supporting analysis and information, of why it is not feasible to do so.

For each of the three scored benefits in the Project Module, Water Quality, Water Supply, and each of the identified Community Investments, a Project developer is asked the following: *"Can you describe how natural processes or nature-mimicking strategies have been used to achieve this benefit? If you have achieved this benefit without using Nature-Based Solutions, please include a description of what options were considered and why Nature-Based Solutions were not utilized."*[3]

Project proponents are responsible for prioritizing Nature-Based Solutions at the earliest available stage of development by working through the feasibility of using natural processes and nature-mimicking strategies to meet identified needs in the watershed and/or community and provide Program benefits.

2. Evaluating Projects at the Watershed Area Steering Committee

Watershed Area Steering Committees (WASCs) develop Stormwater Investments Plans (SIPs), which summarize WASC recommendations for how to allocate Regional Program funding for each Watershed Area. One criterion the WASCs must consider in the development of their SIP recommendations is the prioritization of Nature-Based Solutions to the extent feasible.

WASC Evaluation of Individual Projects

WASCs can use the materials submitted by each applicant in the Project Module to evaluate the Nature-Based Solutions submitted for funding consideration. WASCs can use this question set to assist their consideration of each qualified Project, alongside the answers provided by the proponent when they submitted the Project and asserted the use of, or the decision to not use, Nature-Based Solutions:

[3] Note that previously, a version of this question was asked just on the Project Module page for Nature-Based Solutions. Starting in Round 3, it instead is asked for each benefit in order to help the WASCs better understand and evaluate the project- and program-level prioritization of NBS.

Questions to Ask Regarding Individual Projects

Are there natural processes or nature-mimicking strategies that this Project will use to address watershed needs and deliver SCWP benefits?

If not, should this project be revisited for future SIP consideration instead?

Where possible, WASC members should consider known needs of the Watershed Area and/or the community in which the Project is located when evaluating the benefits that it is providing.

Note that the feasibility of using Nature-Based Solutions is key to the treatment of the second question. In situations where a Project proponent has expressed that Nature-Based Solutions are infeasible, the WASC can evaluate how the proponent analyzed and ultimately decided to not include natural processes or nature-mimicking strategies in the proposed Project. If the infeasibility is considered to be demonstrated adequately, the WASC should not consider the absence of natural processes or nature-mimicking strategies as the sole grounds to revisit the Project in the future.

However, for those sites where Nature-Based Solutions are feasible and desirable, the WASC may consider shifting the Project to the Technical Resources Program for refined/new concept development (incorporating Nature-Based Solutions) or requesting the proponent bring a revised proposal back to the WASC for consideration in a future year.

WASC Evaluation of SIPs

Additionally, WASCs can prioritize Nature-Based Solutions by considering how the suite of Projects supported by past SIPs, and those under consideration each fiscal year as a SIP is programed, together reflect a prioritization of Projects that use natural processes or nature-mimicking strategies across the Watershed Area and to the benefit of all communities. A couple questions that could help this consideration are:

Questions to Ask Regarding SIPs

Has the WASC prioritized Nature-Based Solutions within this and prior Stormwater Investment Plans?

How are the Nature-Based Solutions funded to-date collectively providing the anticipated benefits to the Watershed Area, and where are the biggest needs or opportunities?

Considering the known and perceived needs of the Watershed Area, WASC members should evaluate the extent to which full suites of Projects programmed in Stormwater Investment Plans meet or are anticipated to meet those needs.

In cases where collective groups of Projects, including Nature-Based Solutions, do not adequately address Watershed Area needs, WASC members may wish to reevaluate programming recommendations to have a suite of Projects more targeted toward providing specific benefits or achieving particular outcomes. If programming a Stormwater Investment Plan such that Watershed Area needs can be met is not possible (i.e. there are not eligible Projects that meet those needs that can be programmed), WASC members should provide that information to the Flood Control District staff and to their Watershed Coordinator(s) to assist with developing the pipeline of such Projects applying for funding in future years.

Other Tools Available to WASC Members A series of actions and activities are available to WASCs for prioritizing Nature-Based Solutions:

Strategies to prioritize Nature-Based Solutions that WASC members can use during Project evaluation and SIP recommendation development:

- **Prior to sending submitted Projects to Scoring Committee, the WASC can choose to evaluate the extent to which natural processes or nature-mimicking strategies are included in each Project, and the extent to which Nature-Based Solutions appear across the suite of Projects. This evaluation can support the WASC decision-making about which Projects are "sent" to Scoring.**
- **Upon the completion of scoring and during review of individual Projects, the WASC should read materials provided by proponents about natural processes and nature-mimicking strategies included in Projects, and in the case where Nature-Based Solutions were judged infeasible, about the analysis and reasons given.**
- **During presentations by Project proponents, the WASC members can ask questions about the natural processes or nature-mimicking strategies included in the Project, or about the analysis completed which showed Nature-Based Solutions to be infeasible.**
- **When programming the SIP, the WASC can review SIP of previous years, and the suite of Projects proposed, to consider how Nature-Based Solutions are being prioritized in the Watershed Area.**

Strategies to prioritize Nature-Based Solutions that WASC members can use at any time:

- **WASCs can ask their Watershed Coordinator(s) to evaluate and report to the WASC how the people, city and county agencies, and other stakeholders would prioritize Nature-Based Solutions in the Watershed Area.**
- **WASCs can invite informational presentations from agencies, organizations, and other stakeholders to better understand how Nature-Based Solutions would bring benefits and meet the challenges faced in the Watershed Area.**

SCWP Fund Transfer Agreements in the Regional and Municipal Programs

In addition to the requirements listed above, recipients of SCWP funding in the Regional and Municipal Programs do not receive funds until they execute a Fund Transfer Agreement that outlines several expectations relative to Nature-Based Solutions in Project design, implementation, and reporting.

Both Regional Program Fund Recipients and Municipalities are required:

- To consider using and incorporating Nature-Based Solutions for their Projects.
- To include in their Progress reports (quarterly and annual) and in the Expenditure report a summary whether and how their Projects achieve a good, better, best for each of the 6 Nature-Based Solutions methods in accordance with guidance (See Appendix for the good/better/best guidance for Nature-Based Solutions).
- To include in their Progress reports (quarterly and annual)/ Expenditure Reports a discussion of any considerations taken to maximize the class within each Nature-Based Solutions method. If at least 3 Nature-Based Solutions methods score within a single class, the overall Project can be characterized as that class.
- To attach a copy of the matrix for each Project with the good, better, or best column indicated for each method, to facilitate District tracking of methods being utilized.

Long-Term Vision for Nature-Based Solutions

The Flood Control District recognizes that, long-term, additional measures will need to be taken across SCW Program implementation—from project design to retrospective considerations, along with ongoing adaptive management—to facilitate the prioritization of Nature-Based Solutions. While not appropriate to include within the scope of this guidance, the Flood Control District anticipates pursuing additional activities and exploring further potential guidance within the following contexts by the year 2025.

- **Regional Program Project Design Phase**: Build the pipeline of Nature-Based Solutions applications received for funding consideration. This could be accomplished through a variety of tactics, including but not limited to the following:
    - Identification of regional and watershed-level needs that can be met using Nature-Based Solutions

- Education/training for Project developers on what is considered a Nature-Based Solution in the SCWP, how to design, construct, and maintain Nature-Based Solutions, and examples of projects that are considered good, better, or best for meeting Nature-Based Solutions preferences of the SCWP
- Incentives for Project developers, such as by specifying round-specific program preferences for funding, development of Nature-Based Solutions targets for WASCs, or other measures
- Exploration of an iterative project design process that enables Project developers to engage with the District and with WASCs earlier in the design process so that any preferences in design can be shared by governance committees and taken into account by Project developers
- Facilitating WASC discussions to further establish Watershed Area specific needs and opportunities that inform new project concepts and ensure maximum consideration of potential Nature-Based Solutions

- **Regional Program Scoring:** Make sure that:
  - Desirable Nature-Based Solutions are competitive in scoring (i.e., pass threshold)
  - Nature-Based Solutions on the lower end of the good/better/best spectrum are not awarded de facto full points
- **SCWP Evaluation:** Establish processes for the biennial review in developing recommendations for adaptive program management. This will include careful consideration of lessons learned to date and resulting options to potentially improve outcomes.
- **Integration Across SCWP:** Ensure that Regional Program processes and preferences are appropriately integrated with the implementation of the Municipal Program, Watershed Coordinators, and District Programs, including the District Education Program, such that all parties working to implement the SCWP are fulfilling the directive to prioritize Nature-Based Solutions.
- **Integration Across WHAM:** Establish processes to collaborate early with other funding programs to evaluate opportunities and maximize Nature-Based Solutions that may achieve multi-sector benefits in addition to SCWP objectives.

In the nearer term, these concepts will be explored and advanced to the degree feasible for the anticipated 2022 guidance, which is expected to be available for the Regional Program Round 4 (FY 2022-23) Call for Projects. For Round 4, the primary focus will be to expand from ensuring consistent use of terminology and clarifying categories to fostering more effective planning and evaluation of Nature-Based Solutions. This will include efforts to map challenges to solutions and assist project developers and WASCs in further expanding their design thinking and decision-making, as well as expanding messaging why selected solutions may be most prudent. The 2022 guidance is expected to include multiple opportunities for input, including a public review period.

APPENDIX: Annotated "Nature-Based Solutions Best Management Practices"

The content below has been taken from the Fund Transfer Agreements, and annotated for clarity. This annotation is meant to assist the Project developers and Municipalities in filling out progress reports for Projects and expenditures. It clarifies terms and other ambiguities for each of the Nature-Based Solutions methods highlighted in the evaluation form.

Nature-based solutions (NBS) refers to the sustainable management and use of nature for undertaking socio-environmental challenges, including climate change, water security, water pollution, food security, human health, and disaster risk management. As this environmental management practice is increasingly incorporated into projects for the SCW Program, this guidance document may be expanded upon to further quantify NBS practices based on benefits derived from their incorporation on projects.

The SCW Program defines Nature-Based Solutions as a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; enhancing soil through composting, mulching; and, planting trees and vegetation, with preference for native species. Nature-Based Solutions may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, creating and enhancing parks and open space, and improving quality of life for surrounding communities. Nature-Based Solutions include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity. Nature-Based Solutions improve water quality, collect water for reuse or aquifer recharge, or to support vegetation growth utilizing natural processes.

Recipients are to consider using Nature-Based Solutions for infrastructure projects and t include in each quarterly and annual report whether and how their project achieves a good, better, or best for each of the 6 NBS methods in accordance with the guidance below. Additionally, reports should include discussion on any considerations taken to maximize the class within each method. If at least 3 methods score within a single class, the overall project can be characterized as that class.

Note that because Nature-Based Solutions are inherently holistic approaches, many attributes of projects that meet the description under one method will receive credit under other methods.

Method 1: Vegetation/Green Space

Purpose: This method refers to the utilization of climate-appropriate and native vegetation, as well as strategically placed shade trees that provide cooling benefits. The class is determined by the type of vegetation included in the project as well as estimated percentage of vegetative cover.

Evaluation: To be considered as meeting any class in this method, both criteria must be met in that class. This method is also intended to be cumulative, where a "best" classification is attained only when all requirements of lower tier(s) are satisfied as well. If you believe you have met a "good," "better," or "best" class but haven't met all the criteria within or below a tier, please justify.

CLASS	DESCRIPTION
GOOD	Use of climate-appropriate, eco-friendly vegetation (groundcover, shrubs, and trees) / green space 5%-15% covered by new climate-appropriate vegetation
BETTER	Use of native, climate-appropriate, eco-friendly vegetation (groundcover, shrubs, and trees) / green space 16%-35% covered by new native vegetation
BEST	Establishment of plant communities with a diversity of native vegetation (groundcover, shrubs, and trees) / green space that is both native and climate-appropriate More than 35% covered by new native vegetation

NOTES

"Climate appropriate vegetation" means a variety of plants that may not be "native" to the Los Angeles region, but which require below-average amounts of water. This includes certain shade trees. Examples can be found here: TreePeople Climate-Appropriate Non-Native Plants List

The **percentages** indicated here mean the portion of the total Project area cover by vegetation at plant maturity.[4]

"Native vegetation" means a variety of plants that are adapted to and historically grown within the Los Angeles region, and are non-invasive. Examples may be found using the following resources:

- Los Angeles County Waterworks Division Native Plant List
- Metropolitan Water District Water Wise Program Native Planting Guide for LA County
- TreePeople Native Plants List
- California Native Plant Society
- Theodore Payne Foundation: Plant Guides

[4] While only the portion of vegetation relative to the whole Project area is noted as a criteria for this method, Project developers and WASCs should consider the total absolute square footage of vegetation when self-assessing for reporting purposes and evaluating Project impact.

Method 2: Increase of Permeability

Purpose: This method is about increasing the amount of permeable surface in LA County. Accordingly, for projects implemented on land that is already fully permeable, this method does not apply.

Evaluation: To be considered as meeting any class in this method, two criteria must be met: (1) percentage of impermeable/paved surfaced removed and (2) the type of landscape installed (see "Notes" section for details). The other criterion in each class is desirable, but not required. This method is intended to be cumulative, where a "best" classification is attained only when all requirements of lower tier(s) are satisfied as well. If you believe you have met a "good," "better," or "best" class but haven't met all the criteria within or below a tier, please justify.

CLASS	DESCRIPTION
GOOD	Installation of vegetated landscape – 25%-49% paved area removed Redesign of existing impermeable surfaces and/or installation of permeable surfaces (e.g. permeable pavement and infiltration trenches)
BETTER	Installation of vegetated landscape – 50%-74% paved area removed Improvements of soil health (e.g., compaction reduction)
BEST	Installation of vegetated landscape – 75%-100% paved area removed Creation of well-connected and self-sustained natural landscapes with healthy soils, permeable surfaces, and appropriate vegetation

NOTES

Paved area means anything impermeable through which water cannot percolate or infiltrate.

The **percentages** refer to the proportion of paved/impermeable surface being removed in the Project area.[5]

To meet a **"good" class** in this method, a Project must have removed at least the listed percentage of impermeable/paved area, AND installed a permeable surface in its place, including but not limited to permeable pavement, soil, or vegetated landscape. Redesign of remaining impermeable/paved surfaces is encouraged but not required.

To meet a **"better" class** in this method, a Project must have removed at least the listed percentage of impermeable/paved area, AND installed soil or landscape in its place (permeable pavement does not count). Redesign of remaining impermeable/paved surfaces and improvements to soil health are encouraged but not required.

To meet a **"best" class** in this method, a Project must have removed at least the listed percentage of impermeable/paved area, AND installed vegetated landscape with groundcover, shrubs, and/or trees in its place. Redesign of remaining impermeable/paved surfaces, improvements to soil health, and creation of landscapes are encouraged but not required.

[5] While only the portion of impermeable/paved surface removed relative to the whole Project area is noted as a criteria for this method, Project developers and WASCs should consider the total absolute square footage of removed surface when self-assessing for reporting purposes and evaluating Project impact. For example, removing a total of 1 square foot of pavement that exists on a Project site shouldn't qualify for the "best" class even if the Project removes 100% of the impermeable surface.

Method 3: Protection of Undeveloped Mountains & Floodplains

Purpose: This method refers to the preservation of existing habitat, wetland, and natural hydrologic features of the watersheds of Los Angeles County. For Projects located on land that does not have existing vegetation or land to preserve, this method does not apply.

Evaluation: To be considered as meeting any class in this method, both criteria must be met in that class. This method is intended to be cumulative, where a "best" classification is attained only when all requirements of lower tier(s) are satisfied as well. If you believe you have met a "good," "better," or "best" class but haven't met all the criteria within or below a tier, please justify.

CLASS	DESCRIPTION
GOOD	Preservation of native vegetation Minimal negative impact to existing drainage system
BETTER	Preservation of native vegetation Installation of new feature(s) to improve existing drainage system
BEST	Creation of open green space Installation of features to improve natural hydrology

NOTES

Preserving native vegetation: Projects built in locations that already have a lot of native vegetation that is protected or will be preserved via Project implementation are considered to be in the "good" and "better" classes.

The **existing drainage system** may be the natural hydrology or an existing built drainage system, depending on the project site.

Minimal negative impact is any action or impact considered "less than significant" as defined by CEQA.

Improvements will enhance the drainage system's ability to slow, detain, capture, and/or infiltrate water without creating increased flood damage risk to property or persons.

Creating open space: Those projects that preserve native vegetation AND create open green space, using climate-appropriate and native vegetation, that is intended for safe public use are considered to be in the "best" class.

The **natural hydrology** is comprised of green infrastructure and land elements that direct and infiltrate water entering the built drainage system. To meet the "best" class in this method, improvements should be to the natural hydrology, rather than to a built system.

Method 4: Creation & Restoration of Riparian Habitat & Wetlands

Purpose: This method is about restoration of former or existing degraded riparian habitat and wetlands and/or creation of riparian and/or wetland habitat on the Project site.

Evaluation: To be considered as meeting any class in this method, all criteria must be met in that class. This method is intended to be cumulative, where a "best" classification is attained only when all requirements of lower tier(s) are satisfied as well. If you believe you have met a "good," "better," or "best" class but haven't met all the criteria within or below a tier, please justify.

CLASS	DESCRIPTION
GOOD	Partial restoration of existing riparian habitat and wetlands Planting of climate appropriate vegetation - between 5 and 15 different climate-appropriate or native plant species newly planted No potable water used to sustain the wetland
BETTER	Full restoration of existing riparian habitat and wetlands Planting of native vegetation - between 16 and 30 different native plant species newly planted No potable water used to sustain the wetland
BEST	Full restoration and expansion of existing riparian habitat and wetlands Planting of plant communities with a diversity of native vegetation – greater than 31 native plant species newly planted No potable water used to sustain the wetland

NOTES

Riparian habitat is defined by the U.S. Fish and Wildlife Service and can be found here.

Wetland is defined by the U.S. Environmental Protection Agency and can be found here.

Restoration means the manipulation of physical, chemical, or biological characteristics of a site with the goal of returning natural or historic function of degraded habitat to equal or better than its former state.

Partial restoration means less than 80% of the existing riparian habitat or wetlands on the parcel will be restored as part of the project scope.

A list of **climate-appropriate** and **native vegetation** can be found in Method 1, "Vegetation/Green Space." Plant palettes should be designed to consider habitat opportunities, functional use, and site conditions.

Full restoration means all or almost all (at least 80%) of the existing riparian habitat or wetlands on the parcel has been restored as part of the Project scope.

To meet the **"best" class** in this method, new riparian habitat or wetlands must be created in addition to the area restored.

Method 5: New Landscape Elements

Purpose: This method refers to the use and/or manipulation of the natural landscape to capture or direct stormwater flows and to improve water quality. These new landscape elements may supplement or even replace existing drainage systems.

Evaluation: To be considered as meeting any class in this method the capture criteria indicated below must be met. This method is intended to be cumulative, where a "best" classification is attained only when all requirements of lower tier(s) are satisfied as well. If you believe you have met a "good," "better," or "best" class but haven't met all the criteria within or below a tier, please justify.

CLASS	DESCRIPTION
GOOD	Elements designed to capture runoff for other simple usage (e.g. rain gardens and cisterns), capturing the 85th percentile 24-hour storm event for at least 50% of the entire parcel
BETTER	Elements that design to capture/redirect runoff and filter pollution (e.g. bioswales and parkway basins), capturing the 85th percentile 24-hour storm event from the entire parcel
BEST	Large sized elements that capture and treat runoff to supplement or replace existing water systems (e.g. wetlands, daylighting streams, groundwater infiltration, floodplain reclamation), capturing the 90th percentile 24-hour storm event from the entire parcel and/or capturing off-site runoff

NOTES

Landscape elements that qualify a project for credit under this method include any of the following:

- Cisterns (small-scale)
- Rain gardens (small-scale)
- Treewells (small- to medium-scale)
- Bioswales (medium-scale)
- Parkway basins (medium-scale)
- Retention ponds (medium- to large-scale)
- Wetlands (large-scale)
- Daylighting streams (large-scale)
- Regional groundwater infiltration basins (*must be vegetated*) (large-scale)
- Floodplain reclamation (large-scale)

The "good," "better," or "best" evaluation for this method will depend on the amount of **stormwater effectively captured or redirected** by the elements across the parcel and off-site, as noted in the matrix.

For the **"best" class**, Projects must capture either the 90th percentile OR at least the 85th percentile from the entire parcel plus off-site runoff in order to qualify. For off-site runoff, WASCs should verify volumes in order to consider a Project as "best" under this method.

Method 6: Enhancement of Soil

Purpose: This method refers to the health of soil at the project site to ensure adequate drainage and advance co-benefits associated with healthy soils, like greenhouse gas sequestration, erosion prevention, water retention, and others.

Evaluation: To be considered as meeting any class in this method, all criteria must be met in that class. This method is intended to be cumulative, where a "best" classification is attained only when all requirements of lower tier(s) are satisfied as well. If you believe you have met a "good," "better," or "best" class but haven't met all the criteria within or below a tier, please justify.

CLASS	DESCRIPTION
GOOD	Use of soil amendments such as mulch and compost to retain moisture in the soil and prevent erosion Planting of new climate-appropriate vegetation to enhance soil organic matter
BETTER	Use of soil amendments such as mulch and compost that are locally generated to retain moisture in the soil, prevent erosion, and support locally-based composting and other soil enhancement activities Planting of new native, climate-appropriate vegetation to enhance soil organic matter
BEST	Use of soil amendments such as mulch and compost that are locally generated, especially use of next-generation design with regenerative adsorbents (e.g. woodchips, biochar) to retain moisture in the soil, prevent erosion, and support on-site composting and other soil enhancement activities Planting of new native, climate appropriate vegetation to enhance soil organic matter

NOTES

Soil amendments mean materials that are mixed into the soil to improve water retention and nutrient absorption, which could include compost, manure, wood chips, or rocks.

A list of **climate-appropriate** and **native vegetation** can be found in Method 1, "Vegetation/Green Space."

Locally-generated soil amendments are those sourced and processed within the Watershed Area of the project under consideration. **Locally-based** soil enhancement activities will be those taking place within that same Watershed Area.

For the **"best" class**, Projects should include on-site soil enhancement.

REPORT

DATE: May 11, 2021

TO: Water Policy Committee/TAC

FROM: Marisa Creter, Executive Director

RE: STATE BUDGET AND LEGISLATIVE UPDATES

RECOMMENDED ACTION

For information only.

DISCUSSION

Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance

On Thursday, April 29, the State Senate Budget Subcommittee #2 met to consider the Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance. The plan includes $3.41 billion in one-time state and federal funds (Federal "American Rescue Plan") funds, one-time state General Fund, and appropriation of general obligation bonds (Propositions 1 and 68) for the following allocations:

- Immediate Community Assistance for Water and Drought Relief: $500 million
- Emergency Drought Water-Use Efficiency: $500 million
- Sustainable Groundwater Management: $350 million
- Resilient Water Infrastructure Projects: $200 million
- Recycled Water: $200 million
- Stormwater Management: $200 million
- Protecting Fish & Wildlife from Drought Impacts: $285 million
- Water Quality: $100 million
- Water Data and Forecast Improvement: $75 million
- Helping Ratepayers, Community Water Systems, Wastewater Treatment Works, and Public Utilities Recover from COVID-19 Economic Impacts: $1 billion

A copy of the Senate package is included as Attachment A. This package will be included in a soon to be introduced Senate Budget Trailer bill to be voted on by the Senate.

Below is an overview of federal and state legislation that the Water Committee and Water TAC are currently tracking.

S. 914 – Safe Drinking Water and Wastewater Infrastructure Act of 2021

- **Summary:** Would reauthorize many federal water infrastructure funding programs and includes several new programs that will help communities address water infrastructure challenges. The reauthorizations and changes include the following:

- The Clean Water State Revolving Fund (SRF), which would get $14.65 billion over the next five years and allow a greater percentage of loans to be forgiven or other favorable loan terms.
- The Water Infrastructure Finance and Innovation Act, which would get $250 million over the next five years and require only one ratings agency opinion letter instead of two.
- EPA Sewer Overflow & Stormwater Reuse Municipal Grant Program, which would get $1.4 billion over the next five years.
- The Alternative Source Water Pilot Program, which would get $125 million over the next five years.

New programs include:

- The Rural and Low-Income Water Assistance Pilot Program, which would establish a new EPA program to provide 40 grants per year to utilities to assist low-income ratepayers.
- The Wastewater Energy Efficiency Grant Pilot Program, which would get $100 million over the next five years.
- The Clean Water Infrastructure Resiliency and Sustainability Grant Program, which would get $125 million over the next five years.
- The Small Publicly Owned Treatment Works Efficiency Grant Program, which would be established with funding levels to be determined.
- The Connection to Publicly Owned Treatment Works Grant Program, which would get $200 million over the next five years.
- The Water Infrastructure and Workforce Investment Grant Program, which would get $25 million over the next five years.
- The Stormwater Infrastructure Technology Program, which would get $25 million to create five Stormwater Centers of Excellence and $50 million for stormwater infrastructure planning/development and implementation grants.
- PFAS treatment grants

- **Status:** Passed in the U.S. Senate on April 29 and sent to the U.S House.

SB 37 (Cortese) – Contaminated Sites: the Dominic Cortese "Cortese List" Act of 2021

- **Summary:** Would require the State Water Resources Control Board, instead of the State Department of Health Care Services, to compile and update a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis by local health officers.
- **Status:** Amended and re-referred to Committee on Environmental Quality on April 13. Passed and re-referred to Committee on Appropriations on April 27. Set for hearing May 10.
- **SGVCOG Position:** Watch

SB 45 (Portantino, Allen, Hurtado, and Stern) – Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022

- **Summary:** Would authorize the issuance of bonds in the amount of $5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. This

bill would provide for the submission of these provisions to the voters at the November 8, 2022, statewide general election.

- **Status:** Amended and re-referred to Governance and Finance Committee on April 8. Passed and re-referred to Committee on Appropriations on April 16. Set for hearing May 3.
- **SGVCOG Position:** Watch

SB 230 (Portantino) – Constituents of Emerging Concern Program

- **Summary:** Would require the State Water Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel. The bill would authorize the State Board, upon appropriation by the Legislature, to provide financial assistance to certain public water systems upon a showing that the costs of testing drinking water in compliance with CEC monitoring requirements based on the recommendations of the panel would impose a financial hardship.
- **Status:** March 22 set for first hearing canceled at the request of author. Now a two-year bill.
- **SGVCOG Position:** Support

SB 273 (Hertzberg) – Water quality: municipal wastewater agencies

- **Summary:** Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provision.
- **Status:** Ordered to the Assembly on April 22, read first time, and held at desk.
- **SGVCOG Position:** Watch

SB 351 (Caballero) – Water Innovation Act of 2021

- **Summary:** Would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. Would require the office to take specified measures to advance innovation in the water sector and would make findings and declarations regarding the need for water

innovation. Would create the Water Innovation Fund, with all moneys available, upon appropriation, to the department, the state board, or other state agencies for the furtherance of water innovation.

- **Status:** Amended and re-referred to Committee on Appropriations on April 20. Set for hearing May 10.
- **SGVCOG Position:** Watch

SB 426 (Rubio) – Financial Capability Analysis

- **Summary:** Would require the State Water Resources Control Board (State Board) to develop Financial Capability Assessment (FCA) guidelines for cities and counties (permittees) seeking to comply with the Federal Clean Water Act (CWA). FCA guidelines would provide a uniform, equitable and transparent methodology for assessing the financial capability of communities to afford the cost of compliance with municipal separate storm sewer system (MS4) permits.
- **Status:** Hearing on March 22 placed on Appropriations Committee suspense file.
- **SGVCOG Position:** Sponsor and support

AB 100 (Holden) – Drinking Water: Pipes and Fittings: Lead Content

- **Summary:** Would amend Sections 25214.4.3 and 116875 of the Health and Safety Code, relating to drinking water. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification. would require the department, when evaluating an endpoint device's compliance with the above-specified definition of "lead free" The bill would also establish, to base its evaluation upon specified documentation that demonstrates certification that the endpoint device does not leach more than one microgram of lead under certain tests.
- **Status:** Referred to suspense file on April 13.
- **SGVCOG Position:** Watch

AB 377 (Rivas) – Water quality: impaired waters

- **Summary:** Would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. The bill would prohibit the state board and regional boards from authorizing an NPDES discharge, waste discharge requirement, or waiver of a waste discharge requirement that causes or contributes to an exceedance of a water quality standard, or from authorizing a best management practice permit term to authorize a discharge that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard that was adopted as of January 1, 2021 and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard that is adopted after January 1, 2021, unless specified conditions are met. The bill would prohibit an NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement from being renewed, reissued, or modified to contain effluent limitations or conditions that are less stringent than those in the previous permit, requirement, or waiver. This bill would require, by January 1, 2030, the State Board and regional boards to develop an Impaired Waterways Enforcement Program to enforce all

remaining water quality standard violations that are causing or contributing to an exceedance of a water quality standard.

- **Status:** Re-referred to Committee on Appropriations on April 21.
- **SGVCOG Position:** Oppose.

AB 652 (Friedman) – Product Safety: PFAS

- **Summary:** Would, on and after July 1, 2023, prohibit a person, including a manufacturer, from selling or distributing in commerce in the state any new, not previously owned, juvenile product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) at a detectable level above an unspecified amount. Would establish requirements for manufacturers when replacing PFAS chemicals in juvenile products.
- **Status:** Amended and re-referred to Committee on Environmental Safety and Toxic Materials on March 29. Coauthors revised on April 7. Read second time and ordered to third reading on April 8.
- **SGVCOG Position:** Watch

AB 818 (Bloom) – Solid Waste: Premoistened Nonwoven Disposable Wipes

- **Summary:** Would require certain premoistened nonwoven disposable wipes manufactured on or after July 1, 2022, to be labeled clearly and conspicuously with the phrase "Do Not Flush" and a related symbol. The bill would prohibit a covered entity from making a representation about the flushable attributes, benefits, performance, or efficacy of those premoistened nonwoven disposable wipes. The bill would establish enforcement provisions, including authorizing a civil penalty not to exceed $2,500 per day, up to a maximum of $100,000 per violation, to be imposed on a covered entity who violates those provisions. The bill would establish, until January 1, 2027, the California Consumer Education and Outreach Program, under which covered entities would be required to participate in a collection study conducted in collaboration with wastewater agencies for the purpose of gaining understanding of consumer behavior regarding the flushing of premoistened nonwoven disposable wipes and to conduct a comprehensive multimedia education and outreach program in the state.
- **Status:** Re-referred to Committee on Appropriations with recommendation: To Consent Calendar on April 13.
- **SGVCOG Position:** Support

AB 1195 (Garcia) – Southern Los Angeles County Regional Water Agency

- **Summary:** Would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency's jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed. The bill would authorize the agency to finance its operations through specified means, including, among others, collecting

water rates, charges, fees, or established parcel charges previously charged by a water system for which the agency has assumed control.

- **Status:** Re-referred to Committee on Appropriations on April 29.
- **SGVCOG Position:** Watch

AB 1200 (Ting) – Plant-based food packaging

- **Summary:** Would prohibit, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS. Would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. The bill would define "food packaging," in part, to mean a nondurable package, packaging component, or food service ware that is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.
- **Status:** Ordered to the Senate on April 22 and read first time on April 26. To Committee on Rules for assignment.
- **SGVCOG Position:** Watch

AB 1428 (Quirk) – Safe Drinking Water Act: Applicability

- **Summary:** Under existing law, a water district existence prior to May 18, 1994, that provides primarily agricultural services through a piped water system with only incidental residential or similar uses is not considered to be a public water system under specified conditions, including the system certifying that it is providing alternative water for residential or similar uses for drinking water and cooking to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations. This bill would remove the provision authorizing those water districts to certify that they are providing alternative water for residential or similar uses to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulations.
- **Status:** Re-referred to Committee on Appropriations with recommendation: To Consent Calendar on April 21.
- **SGVCOG Position:** Watch

Prepared by: _____
Samantha Matthews
Management Analyst

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance

SENATE BUDGET PLAN ON DROUGHT, SAFE DRINKING WATER, WATER SUPPLY RELIABILITY, AND RATEPAYER ASSISTANCE

Issue 2: Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance

Senate Proposal. The Senate proposes the Senate Budget Plan on Drought, Safe Drinking Water, Water Supply Reliability, and Ratepayer Assistance for a total of $3.41 billion in one-time state and federal funds (Federal "American Rescue Plan" funds, one-time state General Fund, and appropriation of general obligation bonds (Propositions 1 and 68), as follows:

Immediate Community Assistance for Water and Drought Relief: $500 million.

- Establish the California Community Water Emergency Investment Fund at the Department of Water Resources (DWR), consisting of $500 million to provide one-time grants to smaller communities for the purposes of making immediate drinking water, water quality, and water supply investments in those communities.

  These funds would be allocated on a competitive basis, capped at $5 million per community, and be prioritized for lower income and disadvantaged communities that can spend the funds for projects such as cisterns and local onsite water storage, connections to larger water systems, well deepening and consolidation programs, and water efficiency for community gardens and other water consumptive uses. Funds can be used to provide technical assistance to low-income and disadvantaged communities.

Emergency Drought Water-Use Efficiency: $500 million.

- $500 million to DWR for grants to water agencies to implement residential, commercial, and agricultural water efficiency projects. Projects include replacement of high water consumption landscapes and other water efficiency investments.

  - $250 million to DWR for competitive grants to local water agencies to implement residential and commercial water-use efficiency projects. Priority shall be given to low-income households and disadvantaged communities.

  - $250 million to DWR for competitive grants for agricultural water-use efficiency projects including building and upgrading irrigation and treatment ponds. $40 million of which shall be allocated for purposes of the State Water Efficiency and Enhancement Program (SWEEP) at the California Department of Food and Agriculture.

    SWEEP provides financial assistance in the form of grants to implement irrigation systems that reduce greenhouse gases and save water on California agricultural operations. Eligible system components include (among others) soil moisture monitoring, drip systems, switching to low pressure irrigation systems, pump retrofits, variable frequency drives and installation of renewable energy to reduce on-farm water use and energy.

Sustainable Groundwater Management: $350 million.

- $300 million to DWR for competitive grants that support implementation of the Sustainable Groundwater Management Act (SGMA) (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code).

- $50 million to the Wildlife Conservation Board (WCB) for grants pursuant to the Ecosystem Restoration on Agricultural Lands Program for groundwater sustainability projects that create, protect, or restore wildlife habitat and support implementation of SGMA.

Resilient Water Infrastructure Projects: $200 million.

- $200 million to DWR for competitive grants for projects that provide multiple benefits, including water supply reliability, ecosystem benefits, system reliability benefits, groundwater management and enhancements. Eligible projects include conjunctive use projects; groundwater recharge; well rehabilitation or other well improvements in support of groundwater banking or recharge; transfers of water for environmental purposes; restoration of upper watersheds that are a significant source of water supply for the state; and other projects that provide improved regional resilience to climate change and drought conditions.

Recycled Water: $200 million.

- $200 million to the State Water Resources Control Board (SWRCB) for competitive grants for projects related to water reuse and water recycling, and other purposes pursuant to Chapter 9 (commencing with Section 79765) of Division 26.7 of the Water Code.

  Examples of eligible projects include: treatment, storage, conveyance, and distribution facilities for potable and nonpotable recycling projects; contaminant and salt removal projects; dedicated distribution infrastructure to allow use of recycled water; pilot projects for brew potable reuse and other salt and contaminant removal technology; multibenefit recycled water projects that improve water quality; and technical assistance and grant writing assistance for disadvantaged communities.

Stormwater Management: $200 million.

- $200 million to SWRCB for competitive grants for multi-benefit stormwater management projects. Eligible projects may include, but shall not be limited to, green infrastructure, rainwater and stormwater capture projects, and stormwater treatment facilities. Development of plans for stormwater projects shall address the entire watershed and incorporate the perspectives of communities adjacent to the affected waterways, especially disadvantaged communities.

  Priority for grant funding shall be given for multi-benefit stormwater projects within disadvantaged communities that include waterways identified on SWRCB's 303(d) list of impaired waters prepared pursuant to 33 USC 1313(d) and California Water Code Section 13191.3(a). At a minimum, 40 percent of funding shall be allocated for projects that directly benefit and occur within a disadvantaged community.

Section 303(d) of the federal Clean Water Act authorizes the US EPA to assist states, territories, and authorized tribes in listing impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a pollutant allowed in a waterbody and serves as the starting point or planning tool for restoring water quality.

California Water Code Section 13191(a) requires SWRCB to prepare guidelines for the purpose of listing and delisting waters and developing and implementing the TMDL program and TMDLs pursuant to the federal Clean Water Act.

Protecting Fish & Wildlife from Drought Impacts: $285 million.

- $100 million to WCB for grants pursuant to the guidelines of the Streamflow Enhancement Program for the purposes of protecting fish and wildlife from them impacts of drought including for short-term acquisition and construction of transfer of water.

- $100 million to WCB for grants pursuant to the Inland Wetlands Conservation Program to protect fish and wildlife from the impacts of drought including for wildlife friendly agriculture and to improve conditions on wildlife revues and wetland habitat areas to achieve full compliance with the terms of subsection (d) of Section 3406 of the Central Valley Project Improvement Act (Public Law 102-575) and other Central Valley managed wetlands.

  Section 3406(d) pertains to the Central Valley refuges and wildlife habitat areas and supports the objectives of the Central Valley Habitat Joint Venture by directing the Secretary of the Interior to provide water supplies of suitable quality to maintain and improve wetland habitat areas in specified areas of the Central Valley.

- $35 million to the Department of Fish and Wildlife (DFW) to protect fish and wildlife from immediate drought impacts.

  - $20 million to DFW to support real-time management of drought response and to process regulatory approvals for drought management actions consistent with the findings in the report pursuant to Section 51 of SB 839 (Committee on Budget and Fiscal Review), Chapter 340, Statutes of 2016, which requires the California Natural Resources Agency to produce a report summarizing lessons learned from the state's response to drought.

  - $15 million to DFW for the Coastal Monitoring Program (CMP) to monitor the effects of drought on coastal salmon populations.

    The CMP is a comprehensive program that provides a better understanding of California's salmon and steelhead populations, utilizing modeling in combination with a variety of in-river sampling and survey methods. DFW and the National Oceanic and Atmospheric Administration (NOAA) Fisheries lead the implementation of this program in coastal watersheds. Nearly all of California's salmon and steelhead populations have been listed under the California and Federal Endangered Species Act due to drastic declines in recent decades. The CMP is designed to document salmonid status on a statewide scale using standardized methods, with data centralized in a statewide database.

- $50 million to the Department of Parks and Recreation (Parks) for drought-related projects on Parks-managed lands to preserve and protect the state's fish and wildlife resources.

Water Quality: $100 million.

- $50 million to SWRCB for competitive grants for groundwater remediation, including perfluoroalkyl substances (PFAS) contamination, and other purposes pursuant to Chapter 10 (commencing with Section 79770) of Division 26.7 of the Water Code, which pertains to groundwater sustainability.

- $50 million to SWRCB for grants and loans to public agencies or public-private partnerships for projects that will improve water quality. Eligible projects include, but are not limited to, septic to sewer conversions and wastewater treatment.

Water Data and Forecast Improvement: $75 million.

- Funding to DWR/SWRCB for water management technology equipment — such as remote sensing for snowpack and precipitation gauges for real-time operations of reservoirs — to improve ability to manage/forecast runoff and for monitoring of key drought-related measures of water and water quality including:

    - $20 million to SWRCB to implement Water Code Section 144, which requires the DWR and SWRCB to develop a plan to establish a network of stream gauges, and deploy prioritized stream gauges to improve water management and respond to the impacts of drought on fish and wildlife.

    - $15 million to DWR for projects that improve precipitation forecasting for use in forecast informed reservoir operations, groundwater recharge, and flood risk management, including, but not limited to, projects under Article 8 (commencing with Section 347) of Chapter 2.5 of Division 1 of the Water Code, which pertains to atmospheric rivers research, mitigation, and climate forecasting.

    - $15 million to DWR for projects that support advanced technologies to measure snowpack and forecast runoff.

    - $15 million to the Division of Water Rights at SWRCB to support real-time management of drought response and to process regulatory approvals for drought management actions consistent with the Water Rights Drought Effort Review (WARDER) Report.

      The report is a compilation of comments and recommendations that were collected as part of the WARDER effort, which included a series of interviews with water users and managers to gathers input on SWRCB's Division of Water Rights actions during the previous drought, and to solicit recommendations for Division priorities during a future drought. Comments and recommendations related to issues such as communication (e.g., communicating watershed conditions, legal and policy considerations (e.g., SWRCB authority and role during a drought, the water rights system, curtailments, and water transfers and exchanges), and data (e.g., reporting, data systems, estimating a watershed's

supply, determining water demand and availability), and interagency collaboration.

- o $10 million to SWRCB for monitoring, reporting and developing means to reduce harmful algal blooms in the Delta.

Helping Ratepayers, Community Water Systems, Waste Water Treatment Works, and Public Utilities Recover from COVID-19 Economic Impacts. ($1 billion)

- Appropriate federal American Recovery Act funds to the Department of Community Services and Development (CSD) to help utility customers and utilities address backlogged bills and arrearages associated with COVID economic impacts. The action will include trailer bill language that designates the agency and process for disbursement of ratepayer relief funds, cutting "green tape" for environmentally beneficial projects.

Other Actions

- Accelerate appropriation of existing water bond priorities Propositions 1 and 68 funds where demand is still high (stormwater management projects, water recycling, and drinking water capital projects).

- Urge the Water Commission to convene and reallocate $145 million in existing Proposition 1 funds originally set aside for Temperance Flat Dam for other sustainable water storage investments in the Central Valley.

Funding Sources. The details regarding funding sources for each program are pending but with the intent of using a significant amount of one-time General Fund moneys. In addition to funding that may be available from the federal American Recovery Act, Congress is currently working on an infrastructure package, which could provide potentially increased federal dollars for water infrastructure projects.

Background. Much of California is in drought or near-drought. This is the second year in a row of dry conditions — and the eighth year in the last 10. The snowpack is less than half of normal this year and areas throughout the state are well below normal precipitation — San Francisco has had 37 percent of normal precipitation, San Diego at 30 percent, Sacramento at less than 40 percent, and Los Angeles at 39 percent.

On April 21, 2021, the Governor proclaimed a state of emergency to exist in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed where reservoirs are at record lows. The proclamation also directs additional actions to coordinate with California Native tribes; accelerate funding for water enhancement, conservation and species protection projects; work with counties to encourage and track reporting of household water shortages including dry residential wells; provide technical and financial assistance for water systems at risk of water shortages; support the agricultural economy and food security; and evaluate and take action to protect terrestrial and aquatic species.

The 2012-2016 Drought. The state last experienced a severe drought for five years between 2012-2016. That drought was the second time that a statewide emergency proclamation for drought impacts was issued.

Drought Impacts. According to the Legislative Analyst's Office (LAO), the 2012-2016 drought affected various sectors in different ways. Sector-specific water needs and access to alternative water sources led to notable distinctions in the severity of the drought's impacts across the state.

For example, while the drought led to a decrease in the state's agricultural production, farmers and ranchers moderated the drought's impacts by employing short-term strategies, such as fallowing land, purchasing water from other, and — in particular — pumping groundwater. In contrast, some rural communities — mainly in the Central Valley — struggled to identify alternative water sources upon which to draw when their domestic wells have gone dry.

Multiple years of warm temperatures and dry conditions had severe effects on environmental conditions across the state, including degrading habitats for fish, water birds, and other other wildlife, killing millions of the state's trees, and contributing to more prevalent and intense wildfires. For urban communities, the primary drought impact was a state-ordered requirement to use less water, including mandatory constraints on the frequency of outdoor watering.

According to the LAO, the state funded both short- and long-term drought response activities and deployed numerous resources — fiscal, logistical, and personnel — in responding to the 2012-2016 drought. LAO has provided the following figure outlining $3.4 billion in the state's drought response appropriations from 2013-14 though 2016-17:

State Drought Response Appropriations
2013-14 Through 2016-17 (In Millions)

Activity	Amount
Water Supply	
Support groundwater management and clean-up	$843
Improve/increase water recycling, wastewater treatment, stormwater management, and desalination	609
Fund Integrated Regional Water Management projects	473
Improve drinking water infrastructure	311
Subtotal	($2,235)
Emergency Response	
Expand/enhance fire protection	$379
Provide food and other assistance to drought-affected communities and farmworkers	99
Provide emergency drinking water	68
Conduct statewide drought assistance, monitoring, and response	55
Make emergency improvements to drinking water systems	47
Remove and dispose of dead trees	41
Monitor/enforce water rights and conservation regulations	20
Various other activities	21
Subtotal	($730)
Water Conservation	
Increase urban water efficiency and conservation	$166
Increase agricultural water efficiency and conservation	122
Fund innovative water efficiency technologies	30
Conduct conservation outreach and public messaging	23
Increase water efficiency at state facilities and wildlife refuges	28
Subtotal	($369)
Environmental Protection	
Emergency fish and stream activities	$70
Eradicate water hyacinth	4
Study and model flows	3
Subtotal	($78)
Total	**$3,410**

LAO

Report to the Legislature on the 2012-2016 Drought. Pursuant to SB 839 (Committee on Budget and Fiscal Review), Chapter 340, Statutes of 2016, California Natural Resources Agency (CNRA) released, "Report to the Legislature on the 2012-2016 Drought," in March 2021 outlining the lessons learned from the 2012-2016 drought.

According to the report, since the last drought, several legislative and regulatory changes were enacted, including:

- Enactment in 2014 of the Sustainable Groundwater Management Act to require local agencies to bring overdrafted groundwater basins into sustainable conditions by 2042.
- Legislation to establish new standards for indoor, outdoor, and industrial use of water.
- Funding for disadvantaged disadvantaged communities lacking access to safe drinking water through the Safe and Affordable Drinking Water Act.
- Increase the frequency of water use reporting.
- Give the state authority to order failing public water systems to consolidate with better-run systems.
- Tighten landscape efficiency standards for new developments.

Implementation of these laws and regulations are intended to help with extended dry conditions in the future.

According to the report, effective response depends heavily on capacity built before drought deepens. This includes reducing the drought vulnerability of water users and ecosystems, making key policy decisions in advance, improving hydroclimate forecasting to provide longer lead times for decision-making, having at hand the information necessary to make well-informed decisions, and creating the capacity to communicate effectively across governments and to the public about a rapidly changing situation.

The report provides the following recommendations on state action:

- Provide longer lead times for State financial assistance to local agencies.
- Dedicate staff to ongoing drought preparedness and response work.
- Improve accounting for Wildlife needs before and during drought.
- Improve the quality and timeliness of forecasting and data.
- Restore forest health in upper watersheds.

These recommendations are intended to address long-standing water problems and strengthen the state's ability to cope with a changing climate.

Funding. According to the report, a major legislative response action during the 2012-2016 drought was providing emergency funding in the state budgets of 2014 and 2015. In March 2014, a budget amendment for 2013-14 authorized $687.4 million for drought relief, with $549 million for accelerated expenditure of Proposition 84 and Proposition 1E bond funds for grants to local agencies for integrated regional water management projects. In March 2015, an amendment for the 2014-15 budget authorized more than $1 billion for additional relief, including water conservation and recycling assistance, emergency food aid, and small drinking water emergencies. Also, SB 88 (Committee on Budget and Fiscal Review),

Chapter 27, Statutes of 2015, authorized SWRCB to require consolidation of water systems consistently failing to provide an adequate supply of safe drinking water as well as provide for more thorough measurement and reporting of diversions to SWRCB.

Water Use. According to the Public Policy Institute of California (PPIC) (*Water Use in California*, May 2019), water use is shared across three main sectors — statewide, average water use is about 50 percent environmental, 40 percent agricultural, and 10 percent urban, although the percentage of water use by sector varies dramatically across regions and between wet and dry years.

PPIC states that California needs to adapt to increasing drought intensity. Agriculture relies heavily on groundwater during droughts — particularly in the Central Valley — but more sustainable groundwater management is needed to maintain this key drought reserve. An increase in tree and vine crops — which need to be watered every year — is making farming more vulnerable to water shortages. State law now requires water users to bring their groundwater basins into long-term balance by the early 2040s. This will likely require farm water use to fall in regions that have been over-pumping, including the southern Central Valley and the Central Coast. In urban areas, the greatest potential for further water savings lies in long-term reductions in landscape irrigation — a shift requiring changes in plantings and watering habits. Finally, state and federal regulators need new approaches to reduce harm to fish and wildlife during increasingly intense droughts. This will require better drought planning, investments in new habitat, and setting aside water during wet years for ecosystem uses in dry years.

Staff Comments. After the second dry winter in two years, California is again facing severe drought conditions as we transition into the summer and fall months. Communities will likely go without, or ration, water, our farms and the state's agriculture sector will suffer, and California's ecosystems are degraded with species on the brink of extinction.

Water managers throughout the state are bracing for very dry conditions and are scrambling to ensure water supply and water quality throughout the state. State and federal water agencies already have announced water supplies for urban areas, agriculture, and the environment will be a fraction of their usual amounts.

These extremely dry water conditions, coupled with COVID-19 and its impacts on all sectors of the California economy, suggest immediate actions and investments that can be made to help state, regional, and local water needs are critically important.

At the same time, California is fortunate with the remarkable amounts of one-time federal funds from the American Rescue Plan and from a one-time amount of General Fund available for immediate investments to help the state.

Water is the life blood of California and its economy. Due to climate change and other factors, the state is once again facing a historic challenge over water supply and water quality due to drought.

This proposal incorporates the following key guiding principles:

- Focus on the here and now. Immediately appropriate available federal (American Recovery Act) funds, one-time state General Funds, and available, existing bond funds for drought relief across sectors, for ratepayer assistance for debt and unpaid bills during the pandemic, and for water supply reliability.

- Focus on off-the-shelf, one-time expenditures that can occur as soon as possible.

- Focus on consensus. This is a package that should unite water users, conservation groups, agriculture, and water agencies.

Putting these one-time funds out for "no regrets" water investments is both essential to the state's health and significantly beneficial for the state's residents and businesses.

Staff Recommendation. Approve as proposed.